

PUBLIC EDUCATION RECODIFICATION - FUNDING

2018 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill reorganizes and renumbers certain provisions of the public education code related to public education system funding.

Highlighted Provisions:

This bill:

- ▶ reorganizes and renumbers certain provisions of the public education code related to public education system funding;
- ▶ defines terms;
- ▶ enacts provisions related to public education for organizational purposes;
- ▶ reenacts provisions related to public education for organizational purposes;
- ▶ repeals provisions related to public education for organizational purposes; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

ENACTS:

53F-1-101, Utah Code Annotated 1953

53F-1-102, Utah Code Annotated 1953

53F-1-103, Utah Code Annotated 1953

53F-2-101, Utah Code Annotated 1953

53F-2-303, Utah Code Annotated 1953

53F-2-601, Utah Code Annotated 1953

53F-2-602, Utah Code Annotated 1953

53F-2-701, Utah Code Annotated 1953

33 **53F-2-704**, Utah Code Annotated 1953
34 **53F-3-101**, Utah Code Annotated 1953
35 **53F-3-204**, Utah Code Annotated 1953
36 **53F-4-101**, Utah Code Annotated 1953
37 **53F-4-102**, Utah Code Annotated 1953
38 **53F-4-203**, Utah Code Annotated 1953
39 **53F-5-101**, Utah Code Annotated 1953
40 **53F-5-102**, Utah Code Annotated 1953
41 **53F-6-101**, Utah Code Annotated 1953
42 **53F-6-102**, Utah Code Annotated 1953
43 **53F-6-303**, Utah Code Annotated 1953
44 **53F-7-101**, Utah Code Annotated 1953
45 **53F-7-102**, Utah Code Annotated 1953
46 **53F-7-301**, Utah Code Annotated 1953
47 **53F-8-101**, Utah Code Annotated 1953
48 **53F-8-102**, Utah Code Annotated 1953
49 **53F-8-403**, Utah Code Annotated 1953
50 **53F-9-101**, Utah Code Annotated 1953
51 **53F-9-102**, Utah Code Annotated 1953

52 RENUMBERS AND AMENDS:

53 **53F-2-102**, (Renumbered from 53A-17a-103, as last amended by Laws of Utah 2017,
54 Chapter 173)
55 **53F-2-103**, (Renumbered from 53A-17a-102, as renumbered and amended by Laws of
56 Utah 1991, Chapter 72)
57 **53F-2-201**, (Renumbered from 53A-17a-136, as last amended by Laws of Utah 2011,
58 Chapter 371)
59 **53F-2-202**, (Renumbered from 53A-17a-144, as last amended by Laws of Utah 2017,
60 Chapter 173)
61 **53F-2-203**, (Renumbered from 53A-17a-146, as last amended by Laws of Utah 2017,
62 Chapter 173)
63 **53F-2-204**, (Renumbered from 53A-17a-147, as last amended by Laws of Utah 2003,

64 Chapter 221)
65 **53F-2-205**, (Renumbered from 53A-17a-105, as last amended by Laws of Utah 2017,
66 Chapter 173)
67 **53F-2-206**, (Renumbered from 53A-17a-105.5, as last amended by Laws of Utah 2017,
68 Chapter 173)
69 **53F-2-207**, (Renumbered from 53A-17a-139, as last amended by Laws of Utah 2017,
70 Chapter 173)
71 **53F-2-301**, (Renumbered from 53A-17a-135, as last amended by Laws of Utah 2017,
72 Chapters 6 and 173)
73 **53F-2-302**, (Renumbered from 53A-17a-106, as last amended by Laws of Utah 2017,
74 Chapter 173)
75 **53F-2-304**, (Renumbered from 53A-17a-109, as last amended by Laws of Utah 2017,
76 Chapters 173 and 316)
77 **53F-2-305**, (Renumbered from 53A-17a-107, as last amended by Laws of Utah 2017,
78 Chapter 173)
79 **53F-2-306**, (Renumbered from 53A-17a-108, as last amended by Laws of Utah 2017,
80 Chapter 173)
81 **53F-2-307**, (Renumbered from 53A-17a-111, as last amended by Laws of Utah 2017,
82 Chapter 173)
83 **53F-2-308**, (Renumbered from 53A-17a-112, as last amended by Laws of Utah 2017,
84 Chapter 173)
85 **53F-2-309**, (Renumbered from 53A-17a-112.1, as enacted by Laws of Utah 2016,
86 Chapter 246)
87 **53F-2-310**, (Renumbered from 53A-17a-158, as enacted by Laws of Utah 2008,
88 Chapter 397)
89 **53F-2-311**, (Renumbered from 53A-17a-113, as last amended by Laws of Utah 2017,
90 Chapters 173 and 316)
91 **53F-2-312**, (Renumbered from 53A-17a-124.5, as last amended by Laws of Utah 2017,
92 Chapter 173)
93 **53F-2-313**, (Renumbered from 53A-17a-116, as last amended by Laws of Utah 2017,

94 Chapter 173)
95 **53F-2-401**, (Renumbered from 53A-17a-119, as last amended by Laws of Utah 2017,
96 Chapter 173)
97 **53F-2-402**, (Renumbered from 53A-17a-126, as last amended by Laws of Utah 2017,
98 Chapter 173)
99 **53F-2-403**, (Renumbered from 53A-17a-127, as last amended by Laws of Utah 2017,
100 Chapter 173)
101 **53F-2-404**, (Renumbered from 53A-16-101.5, as last amended by Laws of Utah 2016,
102 Chapter 172)
103 **53F-2-405**, (Renumbered from 53A-17a-153, as last amended by Laws of Utah 2017,
104 Chapters 173 and 372)
105 **53F-2-406**, (Renumbered from 53A-17a-154, as last amended by Laws of Utah 2010,
106 Chapter 3)
107 **53F-2-407**, (Renumbered from 53A-17a-155, as last amended by Laws of Utah 2010,
108 Chapter 3)
109 **53F-2-408**, (Renumbered from 53A-17a-165, as last amended by Laws of Utah 2017,
110 Chapters 173 and 372)
111 **53F-2-409**, (Renumbered from 53A-15-1707, as enacted by Laws of Utah 2016,
112 Chapter 200)
113 **53F-2-410**, (Renumbered from 53A-17a-166, as last amended by Laws of Utah 2017,
114 Chapters 173, 372, and 378)
115 **53F-2-411**, (Renumbered from 53A-17a-168, as last amended by Laws of Utah 2017,
116 Chapter 372)
117 **53F-2-412**, (Renumbered from 53A-17a-126.5, as enacted by Laws of Utah 2016,
118 Chapter 214)
119 **53F-2-413**, (Renumbered from 53A-17a-141, as last amended by Laws of Utah 2017,
120 Chapter 173)
121 **53F-2-501**, (Renumbered from 53A-15-102, as last amended by Laws of Utah 2017,
122 Chapters 359 and 382)
123 **53F-2-502**, (Renumbered from 53A-15-105, as enacted by Laws of Utah 2008, Chapter
124 235)

125 **53F-2-503**, (Renumbered from 53A-17a-150, as last amended by Laws of Utah 2017,
126 Chapter 173)
127 **53F-2-504**, (Renumbered from 53A-17a-156, as last amended by Laws of Utah 2017,
128 Chapters 56 and 316)
129 **53F-2-505**, (Renumbered from 53A-17a-159, as last amended by Laws of Utah 2017,
130 Chapter 173)
131 **53F-2-506**, (Renumbered from 53A-17a-162, as last amended by Laws of Utah 2016,
132 Chapter 188)
133 **53F-2-507**, (Renumbered from 53A-17a-167, as last amended by Laws of Utah 2017,
134 Chapter 173)
135 **53F-2-508**, (Renumbered from 53A-17a-169, as last amended by Laws of Utah 2015,
136 Chapter 456)
137 **53F-2-509**, (Renumbered from 53A-17a-170, as enacted by Laws of Utah 2013,
138 Chapter 381)
139 **53F-2-510**, (Renumbered from 53A-1-1505, as enacted by Laws of Utah 2016, Chapter
140 318)
141 **53F-2-511**, (Renumbered from 53A-17a-174, as enacted by Laws of Utah 2017,
142 Chapter 202)
143 **53F-2-512**, (Renumbered from 53A-17a-112.2, as enacted by Laws of Utah 2017,
144 Chapter 357)
145 **53F-2-513**, (Renumbered from 53A-17a-173, as enacted by Laws of Utah 2017,
146 Chapter 325 and last amended by Coordination Clause, Laws of Utah 2017, Chapter
147 378)
148 **53F-2-514**, (Renumbered from 53A-1a-601, as last amended by Laws of Utah 2015,
149 Chapter 258)
150 **53F-2-515**, (Renumbered from 53A-17a-143, as last amended by Laws of Utah 2017,
151 Chapter 173)
152 **53F-2-516**, (Renumbered from 53A-15-104, as last amended by Laws of Utah 2014,
153 Chapter 63)
154 **53F-2-517**, (Renumbered from 53A-17a-124, as last amended by Laws of Utah 2017,

155 Chapter 173)
156 **53F-2-518**, (Renumbered from 53A-17a-125, as last amended by Laws of Utah 2017,
157 Chapter 173)
158 **53F-2-702**, (Renumbered from 53A-1a-513, as last amended by Laws of Utah 2016,
159 Chapter 229)
160 **53F-2-703**, (Renumbered from 53A-1a-513.1, as enacted by Laws of Utah 2016,
161 Chapter 229)
162 **53F-2-705**, (Renumbered from 53A-1a-513.5, as enacted by Laws of Utah 2012,
163 Chapter 318)
164 **53F-3-102**, (Renumbered from 53A-21-101.5, as last amended by Laws of Utah 2011,
165 Chapter 371)
166 **53F-3-201**, (Renumbered from 53A-21-102, as last amended by Laws of Utah 2008,
167 Chapter 236)
168 **53F-3-202**, (Renumbered from 53A-21-202, as last amended by Laws of Utah 2010,
169 Chapter 185)
170 **53F-3-203**, (Renumbered from 53A-21-302, as enacted by Laws of Utah 2008, Chapter
171 236)
172 **53F-4-201**, (Renumbered from 53A-1-606.7, as last amended by Laws of Utah 2015,
173 Chapters 372 and 415)
174 **53F-4-202**, (Renumbered from 53A-1-613, as last amended by Laws of Utah 2017,
175 Chapter 378)
176 **53F-4-204**, (Renumbered from 53A-1-415, as enacted by Laws of Utah 2017, Chapter
177 350 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 350)
178 **53F-4-205**, (Renumbered from 53A-15-2003, as enacted by Laws of Utah 2017,
179 Chapter 72)
180 **53F-4-206**, (Renumbered from 53A-1a-110, as enacted by Laws of Utah 2012, Chapter
181 412)
182 **53F-4-301**, (Renumbered from 53A-1a-703, as last amended by Laws of Utah 2015,
183 Chapter 374)
184 **53F-4-301.5**, (Renumbered from 53A-1a-702, as enacted by Laws of Utah 2005,
185 Chapter 35)

186 **53F-4-302**, (Renumbered from 53A-1a-704, as last amended by Laws of Utah 2017,
187 Chapter 43)
188 **53F-4-303**, (Renumbered from 53A-1a-705, as last amended by Laws of Utah 2016,
189 Chapter 44)
190 **53F-4-304**, (Renumbered from 53A-1a-706, as last amended by Laws of Utah 2015,
191 Chapter 374)
192 **53F-4-305**, (Renumbered from 53A-1a-707, as last amended by Laws of Utah 2008,
193 Chapter 382)
194 **53F-4-306**, (Renumbered from 53A-1a-708, as last amended by Laws of Utah 2015,
195 Chapter 374)
196 **53F-4-307**, (Renumbered from 53A-1a-709, as last amended by Laws of Utah 2015,
197 Chapter 374)
198 **53F-4-308**, (Renumbered from 53A-1a-710, as enacted by Laws of Utah 2005, Chapter
199 35)
200 **53F-4-401**, (Renumbered from 53A-1a-1001, as last amended by Laws of Utah 2017,
201 Chapter 468)
202 **53F-4-402**, (Renumbered from 53A-1a-1002, as last amended by Laws of Utah 2017,
203 Chapter 468)
204 **53F-4-403**, (Renumbered from 53A-1a-1003, as last amended by Laws of Utah 2017,
205 Chapter 468)
206 **53F-4-404**, (Renumbered from 53A-1a-1004, as last amended by Laws of Utah 2017,
207 Chapter 468)
208 **53F-4-405**, (Renumbered from 53A-1a-1005, as enacted by Laws of Utah 2008,
209 Chapter 397)
210 **53F-4-406**, (Renumbered from 53A-1a-1006, as enacted by Laws of Utah 2008,
211 Chapter 397)
212 **53F-4-407**, (Renumbered from 53A-1a-1007, as enacted by Laws of Utah 2008,
213 Chapter 397)
214 **53F-4-501**, (Renumbered from 53A-15-1202, as last amended by Laws of Utah 2012,
215 Chapter 238)

216 **53F-4-502**, (Renumbered from 53A-15-1203, as enacted by Laws of Utah 2011,
217 Chapter 419)
218 **53F-4-503**, (Renumbered from 53A-15-1204, as last amended by Laws of Utah 2017,
219 Chapter 444)
220 **53F-4-504**, (Renumbered from 53A-15-1205, as last amended by Laws of Utah 2015,
221 Chapter 404)
222 **53F-4-505**, (Renumbered from 53A-15-1206, as last amended by Laws of Utah 2015,
223 Chapter 415)
224 **53F-4-506**, (Renumbered from 53A-15-1206.5, as enacted by Laws of Utah 2012,
225 Chapter 238)
226 **53F-4-507**, (Renumbered from 53A-15-1207, as last amended by Laws of Utah 2017,
227 Chapter 472)
228 **53F-4-508**, (Renumbered from 53A-15-1208, as last amended by Laws of Utah 2017,
229 Chapter 444)
230 **53F-4-509**, (Renumbered from 53A-15-1209, as last amended by Laws of Utah 2017,
231 Chapter 444)
232 **53F-4-510**, (Renumbered from 53A-15-1210, as enacted by Laws of Utah 2011,
233 Chapter 419)
234 **53F-4-511**, (Renumbered from 53A-15-1211, as last amended by Laws of Utah 2012,
235 Chapter 238)
236 **53F-4-512**, (Renumbered from 53A-15-1212, as last amended by Laws of Utah 2012,
237 Chapter 238)
238 **53F-4-513**, (Renumbered from 53A-15-1212.5, as enacted by Laws of Utah 2012,
239 Chapter 238)
240 **53F-4-514**, (Renumbered from 53A-15-1213, as enacted by Laws of Utah 2011,
241 Chapter 419)
242 **53F-4-515**, (Renumbered from 53A-15-1214, as enacted by Laws of Utah 2011,
243 Chapter 419)
244 **53F-4-516**, (Renumbered from 53A-15-1216, as enacted by Laws of Utah 2012,
245 Chapter 238)
246 **53F-4-517**, (Renumbered from 53A-15-1217, as enacted by Laws of Utah 2012,

247 Chapter 238)
248 **53F-5-201**, (Renumbered from 53A-1-708, as last amended by Laws of Utah 2017,
249 Chapters 30 and 378)
250 **53F-5-202**, (Renumbered from 53A-6-114, as enacted by Laws of Utah 2016, Chapter
251 217)
252 **53F-5-203**, (Renumbered from 53A-15-106, as enacted by Laws of Utah 2015, Chapter
253 431)
254 **53F-5-204**, (Renumbered from 53A-15-1601, as enacted by Laws of Utah 2015,
255 Chapter 149)
256 **53F-5-205**, (Renumbered from 53A-6-802, as last amended by Laws of Utah 2010,
257 Chapter 286)
258 **53F-5-206**, (Renumbered from 53A-15-1303, as enacted by Laws of Utah 2017,
259 Chapter 346)
260 **53F-5-207**, (Renumbered from 53A-17a-171, as last amended by Laws of Utah 2017,
261 Chapter 173)
262 **53F-5-208**, (Renumbered from 53A-3-402.11, as last amended by Laws of Utah 2008,
263 Chapter 382)
264 **53F-5-301**, (Renumbered from 53A-1b-202, as enacted by Laws of Utah 2016, Chapter
265 336)
266 **53F-5-302**, (Renumbered from 53A-1b-203, as enacted by Laws of Utah 2016, Chapter
267 336)
268 **53F-5-303**, (Renumbered from 53A-1b-204, as enacted by Laws of Utah 2016, Chapter
269 336)
270 **53F-5-304**, (Renumbered from 53A-1b-205, as enacted by Laws of Utah 2016, Chapter
271 336)
272 **53F-5-305**, (Renumbered from 53A-1b-206, as enacted by Laws of Utah 2016, Chapter
273 336)
274 **53F-5-306**, (Renumbered from 53A-1b-207, as enacted by Laws of Utah 2016, Chapter
275 336)
276 **53F-5-307**, (Renumbered from 53A-1b-208, as enacted by Laws of Utah 2016, Chapter

277 336)
278 **53F-5-401**, (Renumbered from 53A-4-302, as enacted by Laws of Utah 2016, Chapter
279 331)
280 **53F-5-402**, (Renumbered from 53A-4-303, as enacted by Laws of Utah 2016, Chapter
281 331)
282 **53F-5-403**, (Renumbered from 53A-4-304, as enacted by Laws of Utah 2016, Chapter
283 331)
284 **53F-5-404**, (Renumbered from 53A-4-305, as enacted by Laws of Utah 2016, Chapter
285 331)
286 **53F-5-405**, (Renumbered from 53A-4-306, as enacted by Laws of Utah 2016, Chapter
287 331)
288 **53F-5-406**, (Renumbered from 53A-4-307, as enacted by Laws of Utah 2016, Chapter
289 331)
290 **53F-5-501**, (Renumbered from 53A-15-1802, as enacted by Laws of Utah 2016,
291 Chapter 347)
292 **53F-5-502**, (Renumbered from 53A-15-1803, as enacted by Laws of Utah 2016,
293 Chapter 347)
294 **53F-5-503**, (Renumbered from 53A-15-1804, as enacted by Laws of Utah 2016,
295 Chapter 347)
296 **53F-5-504**, (Renumbered from 53A-15-1805, as enacted by Laws of Utah 2016,
297 Chapter 347)
298 **53F-5-505**, (Renumbered from 53A-15-1806, as enacted by Laws of Utah 2016,
299 Chapter 347)
300 **53F-5-506**, (Renumbered from 53A-15-1807, as enacted by Laws of Utah 2016,
301 Chapter 347)
302 **53F-5-507**, (Renumbered from 53A-15-1808, as enacted by Laws of Utah 2016,
303 Chapter 347)
304 **53F-5-601**, (Renumbered from 53A-31-402, as enacted by Laws of Utah 2016, Chapter
305 63)
306 **53F-5-602**, (Renumbered from 53A-31-403, as last amended by Laws of Utah 2017,
307 Chapter 317)

308 **53F-5-603**, (Renumbered from 53A-31-404, as enacted by Laws of Utah 2016, Chapter
309 63)
310 **53F-5-604**, (Renumbered from 53A-31-405, as last amended by Laws of Utah 2017,
311 Chapter 317)
312 **53F-6-201**, (Renumbered from 53A-13-106.5, as enacted by Laws of Utah 2016,
313 Chapter 169)
314 **53F-6-202**, (Renumbered from 53A-1-709, as last amended by Laws of Utah 2015,
315 Chapter 415)
316 **53F-6-301**, (Renumbered from 53A-1b-102, as enacted by Laws of Utah 2014, Chapter
317 304)
318 **53F-6-302**, (Renumbered from 53A-1b-103, as enacted by Laws of Utah 2014, Chapter
319 304)
320 **53F-6-304**, (Renumbered from 53A-1b-105, as last amended by Laws of Utah 2016,
321 Chapter 336)
322 **53F-6-305**, (Renumbered from 53A-1b-106, as enacted by Laws of Utah 2014, Chapter
323 304)
324 **53F-6-306**, (Renumbered from 53A-1b-107, as enacted by Laws of Utah 2014, Chapter
325 304)
326 **53F-6-307**, (Renumbered from 53A-1b-108, as enacted by Laws of Utah 2014, Chapter
327 304)
328 **53F-6-308**, (Renumbered from 53A-1b-109, as enacted by Laws of Utah 2014, Chapter
329 304)
330 **53F-6-309**, (Renumbered from 53A-1b-110, as enacted by Laws of Utah 2014, Chapter
331 304)
332 **53F-6-310**, (Renumbered from 53A-1b-111, as enacted by Laws of Utah 2014, Chapter
333 304)
334 **53F-7-201**, (Renumbered from 53A-13-206, as enacted by Laws of Utah 1988, Chapter
335 2)
336 **53F-8-201**, (Renumbered from 53A-16-106, as last amended by Laws of Utah 2016,
337 Chapters 350 and 367)

338 **53F-8-202**, (Renumbered from 53A-16-108, as last amended by Laws of Utah 1993,
339 Chapter 227)
340 **53F-8-203**, (Renumbered from 53A-16-109, as enacted by Laws of Utah 1988, Chapter
341 2)
342 **53F-8-301**, (Renumbered from 53A-17a-133, as last amended by Laws of Utah 2017,
343 Chapter 173)
344 **53F-8-302**, (Renumbered from 53A-17a-164, as last amended by Laws of Utah 2016,
345 Chapters 229, 350, and 367)
346 **53F-8-303**, (Renumbered from 53A-16-113, as last amended by Laws of Utah 2017,
347 Chapter 181)
348 **53F-8-401**, (Renumbered from 53A-16-107, as last amended by Laws of Utah 2014,
349 Chapter 189)
350 **53F-8-402**, (Renumbered from 53A-16-110, as last amended by Laws of Utah 2011,
351 Chapter 371)
352 **53F-8-404**, (Renumbered from 53A-17a-134, as last amended by Laws of Utah 2017,
353 Chapter 173)
354 **53F-8-405**, (Renumbered from 53A-17a-145, as last amended by Laws of Utah 2017,
355 Chapter 173)
356 **53F-8-406**, (Renumbered from 53A-17a-151, as last amended by Laws of Utah 2017,
357 Chapter 173)
358 **53F-9-201**, (Renumbered from 53A-16-101, as last amended by Laws of Utah 2016,
359 Chapter 172)
360 **53F-9-202**, (Renumbered from 53A-16-103, as enacted by Laws of Utah 1988, Chapter
361 2)
362 **53F-9-203**, (Renumbered from 53A-1a-522, as enacted by Laws of Utah 2011, Chapter
363 30)
364 **53F-9-204**, (Renumbered from 53A-16-112, as enacted by Laws of Utah 2001, Chapter
365 215)
366 **53F-9-205**, (Renumbered from 53A-16-115, as enacted by Laws of Utah 2016, Chapter
367 172)
368 **53F-9-206**, (Renumbered from 53A-21-401, as last amended by Laws of Utah 2011,

369 Chapters 30 and 303)
370 **53F-9-301**, (Renumbered from 53A-1a-513.2, as enacted by Laws of Utah 2016,
371 Chapter 229)
372 **53F-9-302**, (Renumbered from 53A-17a-135.1, as enacted by Laws of Utah 2015,
373 Chapter 287)
374 **53F-9-303**, (Renumbered from 53A-20b-301, as enacted by Laws of Utah 2012,
375 Chapter 201)
376 **53F-9-304**, (Renumbered from 53A-13-114, as enacted by Laws of Utah 2017, Chapter
377 455)
378 **53F-9-401**, (Renumbered from 53A-1-304, as last amended by Laws of Utah 2011,
379 Chapter 303)
380 **53F-9-402**, (Renumbered from 53A-1b-104, as enacted by Laws of Utah 2014, Chapter
381 304)
382 **53F-9-501 (Effective 01/01/18)**, (Renumbered from 53A-15-207 (Effective 01/01/18),
383 as enacted by Laws of Utah 2017, Chapter 166)
384 REPEALS:
385 **53A-1-1502**, as enacted by Laws of Utah 2016, Chapter 318
386 **53A-1-1503**, as renumbered and amended by Laws of Utah 2016, Chapter 318
387 **53A-1-1504**, as enacted by Laws of Utah 2016, Chapter 318
388 **53A-1-1506**, as enacted by Laws of Utah 2016, Chapter 318
389 **53A-1-1507**, as enacted by Laws of Utah 2016, Chapter 318
390 **53A-6-801**, as enacted by Laws of Utah 2008, Chapter 144
391 **53A-6-901**, as last amended by Laws of Utah 2015, Chapter 1
392 **53A-15-1201.5**, as enacted by Laws of Utah 2012, Chapter 238
393 **53A-15-2002**, as enacted by Laws of Utah 2017, Chapter 72
394 **53A-17a-131.17**, as last amended by Laws of Utah 2015, Chapter 276
395 **53A-21-201**, as last amended by Laws of Utah 2010, Chapter 185
396 **53A-21-301**, as last amended by Laws of Utah 2010, Chapter 185

397

398 *Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53F-1-101** is enacted to read:

TITLE 53F. PUBLIC EDUCATION SYSTEM -- FUNDING

CHAPTER 1. TITLE PROVISIONS

Part 1. General Provisions

53F-1-101. Title.

(1) This title is known as "Public Education System -- Funding."

(2) This chapter is known as "Title Provisions."

Section 2. Section **53F-1-102** is enacted to read:

53F-1-102. Public education code definitions.

The terms defined in Section 53E-1-102 apply to this title.

Section 3. Section **53F-1-103** is enacted to read:

53F-1-103. Title 53F definitions.

Reserved

Section 4. Section **53F-2-101** is enacted to read:

CHAPTER 2. STATE FUNDING -- MINIMUM SCHOOL PROGRAM

Part 1. General Provisions

53F-2-101. Title.

This chapter is known as "State Funding -- Minimum School Program."

Section 5. Section **53F-2-102**, which is renumbered from Section 53A-17a-103 is renumbered and amended to read:

[53A-17a-103]. 53F-2-102. Definitions.

As used in this chapter:

(1) "Basic state-supported school program" or "basic program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each school district or charter school by the value established each year in statute, except as otherwise provided in this chapter.

(2) (a) "Certified revenue levy" means a property tax levy that provides an amount of ad valorem property tax revenue equal to the sum of:

(i) the amount of ad valorem property tax revenue to be generated statewide in the previous year from imposing a minimum basic tax rate, as specified in Section ~~[53A-17a-135]~~

430 53F-2-301; and

431 (ii) the product of:

432 (A) eligible new growth, as defined in Section 59-2-924 and rules of the State Tax

433 Commission; and

434 (B) the minimum basic tax rate certified by the State Tax Commission for the previous

435 year.

436 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not

437 include property tax revenue received statewide from personal property that is:

438 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County

439 Assessment; and

440 (ii) semiconductor manufacturing equipment.

441 (c) For purposes of calculating the certified revenue levy described in this Subsection

442 (2), the State Tax Commission shall use:

443 (i) the taxable value of real property assessed by a county assessor contained on the

444 assessment roll;

445 (ii) the taxable value of real and personal property assessed by the State Tax

446 Commission; and

447 (iii) the taxable year end value of personal property assessed by a county assessor

448 contained on the prior year's assessment roll.

449 (3) "Charter school governing board" means the governing board, as defined in Section

450 ~~[53A-1a-501.3]~~ 53G-5-102, that governs a charter school.

451 (4) "Local education board" means a local school board or charter school governing

452 board.

453 (5) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,

454 Election of Members of Local Boards of Education.

455 (6) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

456 (7) (a) "State-supported minimum school program" or "Minimum School Program"

457 means public school programs for kindergarten, elementary, and secondary schools as

458 described in this Subsection (7).

459 (b) The minimum school program established in school districts and charter schools

460 shall include the equivalent of a school term of nine months as determined by the State Board

of Education.

(c) (i) The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by a local education board, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.

(d) (i) A local education board may reallocate up to 32 instructional hours or four school days established under Subsection (7)(c) for teacher preparation time or teacher professional development.

(ii) A reallocation of instructional hours or school days under Subsection (7)(d)(i) is subject to the approval of two-thirds of the members of a local education board voting in a regularly scheduled meeting:

(A) at which a quorum of the local education board is present; and

(B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

(iii) If a local education board reallocates instructional hours or school days as provided by this Subsection (7)(d), the school district or charter school shall notify students' parents and guardians of the school calendar at least 90 days before the beginning of the school year.

(iv) Instructional hours or school days reallocated for teacher preparation time or teacher professional development pursuant to this Subsection (7)(d) is considered part of a school term referred to in Subsection (7)(b).

(e) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:

(i) Basic School Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

(8) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each school district or charter school.

Section 6. Section **53F-2-103**, which is renumbered from Section 53A-17a-102 is renumbered and amended to read:

[53A-17a-102]. 53F-2-103. Purpose of chapter.

(1) The purpose of this chapter is to provide a minimum school program for the state in accordance with the constitutional mandate. It recognizes that all children of the state are entitled to reasonably equal educational opportunities regardless of their place of residence in the state and of the economic situation of their respective school districts or other agencies.

(2) It further recognizes that although the establishment of an educational system is primarily a state function, school districts should be required to participate on a partnership basis in the payment of a reasonable portion of the cost of a minimum program.

(3) It is also the purpose of this chapter to describe the manner in which the state and the school districts shall pay their respective share of the costs of a minimum program. This chapter also recognizes that each locality should be empowered to provide educational facilities and opportunities beyond the minimum program and accordingly provide a method whereby that latitude of action is permitted and encouraged.

Section 7. Section **53F-2-201**, which is renumbered from Section 53A-17a-136 is renumbered and amended to read:

Part 2. General Administration of the Minimum School Program

[53A-17a-136]. 53F-2-201. Cost of operation and maintenance of minimum school program -- Division between state and school districts.

(1) The total cost of operation and maintenance of the minimum school program in the state is divided between the state and school districts as follows:

(a) Each school district shall impose a minimum basic tax rate on all taxable, tangible property in the school district and shall contribute the tax proceeds toward the cost of the basic program as provided in this chapter.

(b) Each school district may also impose a levy under Section 53F-8-301 or 53F-8-302 for the purpose of participating in the respective levy programs provided in Section [53A-17a-133] 53F-2-601 or [53A-17a-164] 53F-2-602.

(c) The state shall contribute the balance of the total costs.

(2) The contributions by the school districts and by the state are computed separately for the purpose of determining their respective contributions to the basic program and to the

523 levy programs provided in Section [~~53A-17a-133~~] 53F-2-601 or [~~53A-17a-164~~] 53F-2-602.

524 Section 8. Section **53F-2-202**, which is renumbered from Section 53A-17a-144 is
525 renumbered and amended to read:

526 ~~[53A-17a-144]~~. **53F-2-202. Contribution of state to cost of minimum school**
527 **program -- Determination of amounts -- Levy on taxable property -- Disbursal --**
528 **Deficiency.**

529 The state's contribution to the total cost of the minimum school program is determined
530 and distributed as follows:

531 (1) The State Tax Commission shall levy an amount determined by the Legislature on
532 all taxable property of the state.

533 (a) This amount, together with other funds provided by law, is the state's contribution
534 to the minimum school program.

535 (b) The statewide levy is set at zero until changed by the Legislature.

536 (2) During the first week in November, the State Tax Commission shall certify to the
537 State Board of Education the amounts designated as state aid for each school district under
538 Section 59-2-902.

539 (3) (a) The actual amounts computed under Section 59-2-902 are the state's
540 contribution to the minimum school program of each school district.

541 (b) The State Board of Education shall provide each local education board with a
542 statement of the amount of state aid.

543 (4) Before the first day of each month, the state treasurer and the Division of Finance,
544 with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution
545 to the cost of the minimum school program to each school district and each charter school.

546 (a) The State Board of Education may not make a disbursement to a school district or
547 charter school whose payments have been interrupted under Subsection (4)(d).

548 (b) Discrepancies between the monthly disbursements and the actual cost of the
549 program shall be adjusted in the final settlement under Subsection (5).

550 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the
551 Division of Finance is authorized to run this fund in a deficit position.

552 (d) The State Board of Education may interrupt disbursements to a school district or
553 charter school if, in the judgment of the State Board of Education, the school district or charter

school is failing to comply with the minimum school program, is operating programs that are not approved by the State Board of Education, or has not submitted reports required by law or the State Board of Education.

(i) Disbursements shall be resumed upon request of the State Board of Education.

(ii) Back disbursements shall be included in the next regular disbursement, and the amount disbursed certified to the State Division of Finance and state treasurer by the State Board of Education.

(e) The State Board of Education may authorize exceptions to the 1/12 per month disbursement formula for grant funds if the State Board of Education determines that a different disbursement formula would better serve the purposes of the grant.

(5) (a) If money in the Uniform School Fund is insufficient to meet the state's contribution to the minimum school program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

(b) If there is an operating deficit in public education Uniform School Fund appropriations, the Legislature shall eliminate the deficit by:

(i) budget transfers or other legal means;

(ii) appropriating money from the Education Budget Reserve Account;

(iii) appropriating up to 25% of the balance in the General Fund Budget Reserve Account; or

(iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

(c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more than 25% of the balance in the General Fund Budget Reserve Account to fund operating deficits in public education appropriations.

Section 9. Section **53F-2-203**, which is renumbered from Section 53A-17a-146 is renumbered and amended to read:

~~[53A-17a-146].~~ 53F-2-203. Reduction of local education board allocation based on insufficient revenues.

(1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the minimum school program, excluding:

(a) the state-supported voted local levy program pursuant to Section ~~[53A-17a-133]~~

585 53F-2-601;

586 (b) the state-supported board local levy program pursuant to Section [~~53A-17a-164~~]

587 53F-2-602; and

588 (c) the appropriation to charter schools to replace local property tax revenues pursuant

589 to Section [~~53A-1a-513~~] 53F-2-704.

590 (2) If the Legislature reduces appropriations made to support public schools under this
591 chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the
592 State Board of Education, after consultation with each local education board, shall allocate the
593 reduction among school districts and charter schools in proportion to each school district's or
594 charter school's percentage share of Minimum School Program funds.

595 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
596 (7), a local education board shall determine which programs are affected by a reduction
597 pursuant to Subsection (2) and the amount each program is reduced.

598 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
599 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

600 (5) A local education board may not reduce or reallocate spending of funds distributed
601 to the school district or charter school for the following programs:

602 (a) educator salary adjustments provided in Section [~~53A-17a-153~~] 53F-2-405;

603 (b) the Teacher Salary Supplement Program provided in Section [~~53A-17a-156~~]

604 53F-2-504;

605 (c) the extended year for special educators provided in Section [~~53A-17a-158~~]

606 53F-2-310;

607 (d) USTAR centers provided in Section [~~53A-17a-159~~] 53F-2-505;

608 (e) the School LAND Trust Program created in Section [~~53A-16-101.5~~] 53F-2-404; or

609 (f) a special education program within the Basic School Program.

610 (6) A local education board may not reallocate spending of funds distributed to the
611 school district or charter school to a reserve account.

612 (7) A local education board that reduces or reallocates funds in accordance with this
613 section shall report all transfers into, or out of, Minimum School Program programs to the
614 State Board of Education as part of the school district or charter school's Annual Financial and
615 Program report.

Section 10. Section **53F-2-204**, which is renumbered from Section 53A-17a-147 is renumbered and amended to read:

~~[53A-17a-147].~~ **53F-2-204. Use of funds for approved programs -- Assessment of funded programs.**

(1) Funds appropriated under this chapter shall only be used for programs approved by the State Board of Education.

(2) The State Board of Education shall assess the progress and degree of effectiveness of all programs funded under this chapter.

Section 11. Section **53F-2-205**, which is renumbered from Section 53A-17a-105 is renumbered and amended to read:

~~[53A-17a-105].~~ **53F-2-205. Powers and duties of State Board of Education to adjust Minimum School Program allocations -- Use of remaining funds at the end of a fiscal year.**

(1) For purposes of this section:

(a) "Board" means the State Board of Education.

(b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.

(c) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:

(i) Basic Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

(2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.

(3) If the number of weighted pupil units in a program is overestimated, the board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):

(a) to support the value of the weighted pupil unit in a program within the basic

state-supported school program in which the number of weighted pupil units is underestimated;

(b) to support the state guarantee per weighted pupil unit provided under the voted local levy program established in Section ~~[53A-17a-133]~~ 53F-2-601 or the board local levy program established in Section ~~[53A-17a-164]~~ 53F-2-602, if:

(i) local contributions to the voted local levy program or board local levy program are overestimated; or

(ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;

(c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section ~~[53A-1a-513]~~ 53F-2-704; or

(d) to support a school district with a loss in student enrollment as provided in Section ~~[53A-17a-139]~~ 53F-2-207.

(4) If local contributions from the minimum basic tax rate imposed under Section ~~[53A-17a-135]~~ 53F-2-301 are overestimated, the board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.

(5) If local contributions from the minimum basic tax rate imposed under Section ~~[53A-17a-135]~~ 53F-2-301 are underestimated, the board shall:

(a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and

(b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

(6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee per weighted pupil unit provided under the voted local levy program established in Section

678 ~~[53A-17a-133]~~ 53F-2-601 or board local levy program established in Section ~~[53A-17a-164]~~
679 53F-2-602, if:

680 (a) local contributions to the voted local levy program or board local levy program are
681 overestimated; or

682 (b) the number of weighted pupil units within school districts qualifying for a
683 guarantee is underestimated.

684 (7) Money appropriated to the board is nonlapsing.

685 (8) The board shall report actions taken by the board under this section to the Office of
686 the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

687 Section 12. Section **53F-2-206**, which is renumbered from Section 53A-17a-105.5 is
688 renumbered and amended to read:

689 ~~[53A-17a-105.5]~~. **53F-2-206. Flexibility in the use of certain related to basic**
690 **program funds.**

691 (1) As used in this section, "qualifying program" means:

692 (a) the Enhancement for At-Risk Students Program created in Section ~~[53A-17a-166]~~
693 53F-2-410;

694 (b) the Enhancement for Accelerated Students Program created in Section
695 ~~[53A-17a-165]~~ 53F-2-408; and

696 (c) the concurrent enrollment program established in Section ~~[53A-15-1703]~~
697 53E-10-302.

698 (2) If a school district or charter school receives an allocation of state funds for a
699 qualifying program that is less than \$10,000, the local education board of the receiving school
700 district or charter school may:

701 (a) (i) combine the funds with one or more qualifying program fund allocations each of
702 which is less than \$10,000; and

703 (ii) use the combined funds in accordance with the program requirements for any of the
704 qualifying programs that are combined; or

705 (b) (i) transfer the funds to a qualifying program for which the school district or charter
706 school received an allocation of funds that is greater than or equal to \$10,000; and

707 (ii) use the combined funds in accordance with the program requirements for the
708 qualifying program to which the funds are transferred.

Section 13. Section **53F-2-207**, which is renumbered from Section 53A-17a-139 is renumbered and amended to read:

~~[53A-17a-139].~~ 53F-2-207. Loss in student enrollment -- Board action.

To avoid penalizing a school district financially for an excessive loss in student enrollment due to factors beyond its control, the State Board of Education may allow a percentage increase in units otherwise allowable during any year when a school district's average daily membership drops more than 4% below the average for the highest two of the preceding three years in the school district.

Section 14. Section **53F-2-301**, which is renumbered from Section 53A-17a-135 is renumbered and amended to read:

Part 3. Basic Program (Weighted Pupil Units)

~~[53A-17a-135].~~ 53F-2-301. Minimum basic tax rate -- Certified revenue levy.

(1) As used in this section, "basic levy increment rate" means a tax rate that will generate an amount of revenue equal to \$75,000,000.

(2) (a) To qualify for receipt of the state contribution toward the basic program and as a school district's contribution toward the school district's costs of the basic program, each local school board shall impose a minimum basic tax rate per dollar of taxable value that generates \$399,041,300 in revenues statewide.

(b) The preliminary estimate for the 2017-18 minimum basic tax rate is .001596.

(c) The State Tax Commission shall certify on or before June 22 the rate that generates \$399,041,300 in revenues statewide.

(d) If the minimum basic tax rate exceeds the certified revenue levy [~~as defined in Section 53A-17a-103~~], the state is subject to the notice requirements of Section 59-2-926.

(3) The state shall contribute to each school district toward the cost of the basic program in the school district that portion that exceeds the proceeds of the difference between:

(a) the minimum basic tax rate to be imposed under Subsection (2); and

(b) the basic levy increment rate.

(4) (a) If the difference described in Subsection (3) equals or exceeds the cost of the basic program in a school district, no state contribution shall be made to the basic program.

(b) The proceeds of the difference described in Subsection (3) that exceed the cost of the basic program shall be paid into the Uniform School Fund as provided by law.

(5) The State Board of Education shall:

(a) deduct from state funds that a school district is authorized to receive under this chapter an amount equal to the proceeds generated within the school district by the basic levy increment rate; and

(b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth Account created in Section ~~[53A-17a-135.1]~~ 53F-9-302.

Section 15. Section **53F-2-302**, which is renumbered from Section 53A-17a-106 is renumbered and amended to read:

~~[53A-17a-106].~~ **53F-2-302. Determination of weighted pupil units.**

The number of weighted pupil units in the minimum school program for each year is the total of the units for each school district and, subject to ~~[Section 53A-1a-513]~~ Subsection (4), charter school, determined as follows:

(1) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school attending schools, other than kindergarten and self-contained classes for children with a disability.

(2) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school enrolled in kindergarten and multiplying the total by .55.

(a) In those school districts or charter schools that do not hold kindergarten for a full nine-month term, the local school board or charter school governing board may approve a shorter term of nine weeks' duration.

(b) Upon local education board approval, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that school district or charter school in the regular school year.

(3) (a) The State Board of Education shall use prior year plus growth to determine average daily membership in distributing money under the minimum school program where the distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.

(b) Under prior year plus growth, kindergarten through grade 12 average daily membership for the current year is based on the actual kindergarten through grade 12 average

daily membership for the previous year plus an estimated percentage growth factor.

(c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year.

(4) In distributing funds to charter schools under this section, charter school pupils shall be weighted, where applicable, as follows:

(a) .55 for kindergarten pupils;

(b) .9 for pupils in grades 1 through 6;

(c) .99 for pupils in grades 7 through 8; and

(d) 1.2 for pupils in grades 9 through 12.

Section 16. Section **53F-2-303** is enacted to read:

53F-2-303. Foreign exchange student weighted pupil units.

(1) A school district or charter school may include foreign exchange students in the district's or school's membership and attendance count for the purpose of apportionment of state money, except as provided in Subsections (2) through (4).

(2) (a) Notwithstanding Section 53F-2-302, foreign exchange students may not be included in average daily membership for the purpose of determining the number of weighted pupil units in the grades 1-12 basic program.

(b) Subject to the limitation in Subsection (3), the number of weighted pupil units in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the number of foreign exchange students who were:

(i) enrolled in a school district or charter school on October 1 of the previous fiscal year; and

(ii) sponsored by an agency approved by the district's local school board or charter school's governing board.

(3) (a) The total number of foreign exchange students in the state that may be counted for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

(i) the number of foreign exchange students enrolled in public schools in the state on October 1 of the previous fiscal year; or

(ii) 328 foreign exchange students.

(b) The State Board of Education shall make rules in accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign exchange students that may be counted for the purpose of apportioning state money under Subsection (2).

(4) Notwithstanding Sections 53F-2-601 and 53F-2-602, weighted pupil units in the grades 1-12 basic program for foreign exchange students, as determined by Subsections (2) and (3), may not be included for the purposes of determining a school district's state guarantee money under the voted or board local levies.

Section 17. Section **53F-2-304**, which is renumbered from Section 53A-17a-109 is renumbered and amended to read:

~~[53A-17a-109].~~ 53F-2-304. Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Necessarily existent small schools funding balance" means the difference between:

(i) the amount appropriated for the necessarily existent small schools program in a fiscal year; and

(ii) the amount distributed to school districts for the necessarily existent small schools program in the same fiscal year.

(2) (a) Upon application by a local school board, the board shall, in consultation with the local school board, classify schools in the school district as necessarily existent small schools, in accordance with this section and board rules adopted under Subsection (3).

(b) An application must be submitted to the board before April 2, and the board must report a decision to a local school board before June 2.

(3) The board shall adopt standards and make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) govern the approval of necessarily existent small schools consistent with principles of efficiency and economy that serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and

(b) ensure that school districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.

(4) A one or two-year secondary school that has received necessarily existent small school money under this section prior to July 1, 2000, may continue to receive such money in subsequent years.

(5) The board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.

(6) (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using regression formulas adopted by the board.

(b) The regression formulas establish the following maximum sizes for funding under the necessarily existent small school program:

(i) an elementary school	160
(ii) a one or two-year secondary school	300
(iii) a three-year secondary school	450
(iv) a four-year secondary school	500
(v) a six-year secondary school	600

(c) Schools with fewer than 10 students shall receive the same add-on weighted pupil units as schools with 10 students.

(d) The board shall prepare and distribute an allocation table based on the regression formula to each school district.

(7) (a) To avoid penalizing a school district financially for consolidating the school district's small schools, additional weighted pupil units may be allowed a school district each year, not to exceed two years.

(b) The additional weighted pupil units may not exceed the difference between what the school district receives for a consolidated school and what the school district would have received for the small schools had the small schools not been consolidated.

(8) Subject to legislative appropriation, the board shall give first priority from an appropriation made under this section to funding an expense approved by the board as described in Subsection ~~[53A-2-204]~~ 53G-6-305(3)(a).

(9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8), the board may distribute a portion of necessarily existent small schools funding in accordance with a formula adopted by the board that considers the tax effort of a local school board.

(b) The amount distributed in accordance with Subsection (9)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.

(10) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the board.

Section 18. Section **53F-2-305**, which is renumbered from Section 53A-17a-107 is renumbered and amended to read:

[53A-17a-107]. 53F-2-305. Professional staff weighted pupil units.

(1) Professional staff weighted pupil units are computed and distributed in accordance with the following schedule:

(a) Professional Staff Cost Formula

	Years of	Bachelor's	Bachelor's	Master's	Master's	
	Experience	Degree	+30 Qt. Hr.	Degree	+45 Qt. Hr.	Doctorate
1	1.00	1.05	1.10	1.15	1.20	
2	1.05	1.10	1.15	1.20	1.25	
3	1.10	1.15	1.20	1.25	1.30	
4	1.15	1.20	1.25	1.30	1.35	
5	1.20	1.25	1.30	1.35	1.40	
6	1.25	1.30	1.35	1.40	1.45	
7	1.30	1.35	1.40	1.45	1.50	
8	1.35	1.40	1.45	1.50	1.55	
9			1.50	1.55	1.60	
10				1.60	1.65	
11						1.70

(b) Multiply the number of full-time or equivalent professional personnel in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.

(c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.

(d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections ~~[53A-17a-106]~~ 53F-2-302 and ~~[53A-17a-109]~~ 53F-2-304.

(2) The State Board of Education shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require a certain percentage of a school district's or charter school's professional staff to be certified in the area in which the staff teaches in order for the school district or charter school to receive full funding under the schedule.

(3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the local education board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.

Section 19. Section **53F-2-306**, which is renumbered from Section 53A-17a-108 is renumbered and amended to read:

~~[53A-17a-108].~~ **53F-2-306. Weighted pupil units for small school district administrative costs -- Appropriation for charter school administrative costs.**

(1) Administrative costs weighted pupil units are computed for a small school district and distributed to the small school district in accordance with the following schedule:

Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 500 students	95
501 - 1,000 students	80
1,001 - 2,000 students	70
2,001 - 5,000 students	60

(2) (a) Except as provided in Subsection (2)(b), money appropriated to the State Board of Education for charter school administrative costs shall be distributed to charter schools in the amount of \$100 for each charter school student in enrollment.

(b) (i) If money appropriated for charter school administrative costs is insufficient to provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

(ii) If the State Board of Education makes adjustments to Minimum School Program allocations under Section [~~53A-17a-105~~] 53F-2-205, the allocation provided in Subsection (2)(b)(i) shall be determined after adjustments are made under Section [~~53A-17a-105~~] 53F-2-205.

(c) Charter school governing boards are encouraged to identify and use cost-effective methods of performing administrative functions, including contracting for administrative services with the State Charter School Board as provided in Section [~~53A-1a-501.6~~] 53G-5-202.

(3) Charter schools are not eligible for funds for administrative costs under Subsection (1).

Section 20. Section **53F-2-307**, which is renumbered from Section 53A-17a-111 is renumbered and amended to read:

[~~53A-17a-111~~]. 53F-2-307. Weighted pupil units for programs for students with disabilities -- Local school board allocation.

(1) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Disability program money allocated to school districts or charter schools is restricted and shall be spent for the education of students with disabilities but may include expenditures for approved programs of services conducted for certified instructional personnel who have students with disabilities in their classes.

(3) The State Board of Education shall establish and strictly interpret definitions and provide standards for determining which students have disabilities and shall assist school districts and charter schools in determining the services that should be provided to students with disabilities.

(4) Each year the State Board of Education shall evaluate the standards and guidelines that establish the identifying criteria for disability classifications to assure strict compliance with those standards by the school districts and charter schools.

(5) (a) Money appropriated to the State Board of Education for add-on WPU for students with disabilities enrolled in regular programs shall be allocated to school districts and

952 charter schools as provided in this Subsection (5).

953 (b) The State Board of Education shall use a school district's or charter school's average
954 number of special education add-on weighted pupil units determined by the previous five year's
955 average daily membership data as a foundation for the special education add-on appropriation.

956 (c) A school district's or charter school's special education add-on WPU's for the
957 current year may not be less than the foundation special education add-on WPU's.

958 (d) Growth WPU's shall be added to the prior year special education add-on WPU's, and
959 growth WPU's shall be determined as follows:

960 (i) The special education student growth factor is calculated by comparing S-3 total
961 special education ADM of two years previous to the current year to the S-3 total special
962 education ADM three years previous to the current year, not to exceed the official October total
963 school district growth factor from the prior year.

964 (ii) When calculating and applying the growth factor, a school district's S-3 total
965 special education ADM for a given year is limited to 12.18% of the school district's S-3 total
966 student ADM for the same year.

967 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special
968 education ADM of two years previous to the current year.

969 (iv) Growth ADMs for each school district or each charter school are multiplied by
970 1.53 weighted pupil units and added to the prior year special education add-on WPU to
971 determine each school district's or each charter school's total allocation.

972 (6) If money appropriated under this chapter for programs for students with disabilities
973 does not meet the costs of school districts and charter schools for those programs, each school
974 district and each charter school shall first receive the amount generated for each student with a
975 disability under the basic program.

976 Section 21. Section **53F-2-308**, which is renumbered from Section 53A-17a-112 is
977 renumbered and amended to read:

978 **~~[53A-17a-112].~~ 53F-2-308. Preschool special education appropriation --**
979 **Extended year program appropriation -- Appropriation for special education programs**
980 **in state institutions -- Appropriations for stipends for special educators.**

981 (1) (a) Money appropriated to the State Board of Education for the preschool special
982 education program shall be allocated to school districts to provide a free, appropriate public

education to preschool students with a disability, ages three through five.

(b) The money shall be distributed on the basis of the school district's count of preschool children with a disability for December 1 of the previous year, as mandated by federal law.

(2) Money appropriated for the extended school year program for children with a severe disability shall be limited to students with severe disabilities with education program goals identifying significant regression and recoupment disability as approved by the State Board of Education.

(3) (a) Money appropriated for self-contained regular special education programs may not be used to supplement other school programs.

(b) Money in any of the other restricted line item appropriations may not be reduced more than 2% to be used for purposes other than those specified by the appropriation, unless otherwise provided by law.

(4) (a) The State Board of Education shall compute preschool funding by a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.

(b) The State Board of Education shall develop guidelines to implement the funding formula for preschool special education, and establish prevalence limits for distribution of the money.

(5) Of the money appropriated for Special Education - State Programming, the State Board of Education shall distribute the revenue generated from 909 WPUs to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special educators for additional days of work pursuant to the requirements of Section ~~[53A-17a-158]~~ 53F-2-310.

Section 22. Section **53F-2-309**, which is renumbered from Section 53A-17a-112.1 is renumbered and amended to read:

~~[53A-17a-112.1].~~ **53F-2-309. Appropriation for intensive special education costs.**

(1) As used in this section:

(a) "Board" means the State Board of Education.

1014 (b) "Local education agency" or "LEA" means:

1015 (i) a school district;

1016 (ii) a charter school; or

1017 (iii) the Utah Schools for the Deaf and the Blind.

1018 (2) (a) On or before February 1, 2017, the board shall, in accordance with Title 63G,

1019 Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution

1020 formula to allocate money appropriated to the board for Special Education -- Intensive Services

1021 that allocate to an LEA:

1022 (i) 50% of the appropriation based on the highest cost students with disabilities; and

1023 (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost
1024 students with disabilities.

1025 (b) Beginning with the 2017-18 school year, the board shall allocate money

1026 appropriated to the board for Special Education -- Intensive Services in accordance with rules

1027 described in Subsection (2)(a).

1028 (3) Before initiating the rulemaking process under Subsection (2)(a), the board shall

1029 present the proposed rule to the Public Education Appropriations Subcommittee or Education

1030 Interim Committee.

1031 Section 23. Section **53F-2-310**, which is renumbered from Section 53A-17a-158 is

1032 renumbered and amended to read:

1033 **[53A-17a-158]. 53F-2-310. Stipends for special educators for additional days**
1034 **of work.**

1035 (1) As used in this section:

1036 (a) "IEP" means an individualized education program developed pursuant to the

1037 Individuals with Disabilities Education Improvement Act of 2004, as amended.

1038 (b) "Special education teacher" means a teacher whose primary assignment is the

1039 instruction of students with disabilities who are eligible for special education services.

1040 (c) "Special educator" means a person employed by a school district, charter school, or

1041 the Utah Schools for the Deaf and the Blind who holds:

1042 (i) a license issued under [~~Title 53A, Chapter 6, Educator Licensing and Professional~~

1043 ~~Practices Act~~] Title 53E, Chapter 6, Education Professional Licensure; and

1044 (ii) a position as a:

1045 (A) special education teacher; or

1046 (B) speech-language pathologist.

1047 (2) The Legislature shall annually appropriate money for stipends to special educators
1048 for additional days of work:

1049 (a) in recognition of the added duties and responsibilities assumed by special educators
1050 to comply with federal law regulating the education of students with disabilities and the need to
1051 attract and retain qualified special educators; and

1052 (b) subject to future budget constraints.

1053 (3) (a) The State Board of Education shall distribute money appropriated under this
1054 section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for
1055 stipends for special educators in the amount of \$200 per day for up to 10 additional working
1056 days.

1057 (b) Money distributed under this section shall include, in addition to the \$200 per day
1058 stipend, money for the following employer-paid benefits:

1059 (i) retirement;

1060 (ii) workers' compensation;

1061 (iii) Social Security; and

1062 (iv) Medicare.

1063 (4) A special educator receiving a stipend shall:

1064 (a) work an additional day beyond the number of days contracted with the special
1065 educator's school district or school for each daily stipend;

1066 (b) schedule the additional days of work before or after the school year; and

1067 (c) use the additional days of work to perform duties related to the IEP process,
1068 including:

1069 (i) administering student assessments;

1070 (ii) conducting IEP meetings;

1071 (iii) writing IEPs;

1072 (iv) conferring with parents; and

1073 (v) maintaining records and preparing reports.

1074 (5) A special educator may:

1075 (a) elect to receive a stipend for one to 10 days of additional work; or

(b) elect to not receive a stipend.

(6) A person who does not hold a full-time position as a special educator is eligible for a partial stipend equal to the percentage of a full-time special educator position the person assumes.

Section 24. Section **53F-2-311**, which is renumbered from Section 53A-17a-113 is renumbered and amended to read:

~~[53A-17a-113].~~ 53F-2-311. Weighted pupil units for career and technical education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.

(1) (a) Money appropriated to the State Board of Education for approved career and technical education programs and the comprehensive guidance program:

(i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4); and

(ii) may not be used to fund programs below grade 9.

(b) Subsection (1)(a)(ii) does not apply to the following programs:

(i) comprehensive guidance;

(ii) Technology-Life-Careers; and

(iii) work-based learning programs.

(2) (a) Weighted pupil units are computed for pupils in approved programs.

(b) (i) The State Board of Education shall fund approved programs based upon hours of membership of grades 9 through 12 students.

(ii) Subsection (2)(b)(i) does not apply to the following programs:

(A) comprehensive guidance;

(B) Technology-Life-Careers; and

(C) work-based learning programs.

(c) The State Board of Education shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the State Board of Education.

(d) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each school district or each

1107 charter school sponsoring career and technical education student leadership organizations
1108 based on the agency's share of the state's total membership in those organizations.

1109 (e) The State Board of Education shall make the necessary calculations for distribution
1110 of the appropriation to a school district and charter school and may revise and recommend
1111 changes necessary for achieving equity and ease of administration.

1112 (3) (a) Twenty weighted pupil units shall be computed for career and technical
1113 education administrative costs for each school district, except 25 weighted pupil units may be
1114 computed for each school district that consolidates career and technical education
1115 administrative services with one or more other school districts.

1116 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
1117 conducting approved career and technical education programs in a school district according to
1118 standards established by the State Board of Education.

1119 (c) Forty weighted pupil units shall be computed for each school district that operates
1120 an approved career and technical education center.

1121 (d) Between five and seven weighted pupil units shall be computed for each summer
1122 career and technical education agriculture program according to standards established by the
1123 State Board of Education.

1124 (e) The State Board of Education shall, by rule, establish qualifying criteria for a school
1125 district or charter school to receive weighted pupil units under this Subsection (3).

1126 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall
1127 be allocated using average daily membership in approved programs for the previous year.

1128 (b) A school district or charter school that has experienced student growth in grades 9
1129 through 12 for the previous year shall have the growth factor applied to the previous year's
1130 weighted pupil units when calculating the allocation of money under this Subsection (4).

1131 (5) (a) The State Board of Education shall establish rules for upgrading high school
1132 career and technical education programs.

1133 (b) The rules shall reflect career and technical training and actual marketable job skills
1134 in society.

1135 (c) The rules shall include procedures to assist school districts and charter schools to
1136 convert existing programs that are not preparing students for the job market into programs that
1137 will accomplish that purpose.

(6) Programs that do not meet State Board of Education standards may not be funded under this section.

Section 25. Section **53F-2-312**, which is renumbered from Section 53A-17a-124.5 is renumbered and amended to read:

[53A-17a-124.5]. 53F-2-312. Appropriation for class size reduction.

(1) Money appropriated to the State Board of Education for class size reduction shall be used to reduce the average class size in kindergarten through the eighth grade in the state's public schools.

(2) Each school district or charter school shall receive an allocation based upon the school district or charter school's prior year average daily membership in kindergarten through grade 8 plus growth as determined under Subsection ~~[53A-17a-106]~~ 53F-2-302(3) as compared to the total prior year average daily membership in kindergarten through grade 8 plus growth of school districts and charter schools that qualify for an allocation pursuant to Subsection (8).

(3) (a) A local education board may use an allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).

(b) (i) Each local education board shall use 50% of an allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.

(ii) If a school district's or charter school's average class size is below 18 in grades kindergarten through grade 2, a local education board may petition the State Board of Education for, and the State Board of Education may grant, a waiver to use an allocation under Subsection (3)(b)(i) for class size reduction in the other grades.

(4) Schools may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of an allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.

(5) (a) A local education board may use up to 20% of an allocation under Subsection (1) for capital facilities projects if such projects would help to reduce class size.

(b) If a school district's or charter school's student population increases by 5% or 700 students from the previous school year, the local education board may use up to 50% of any

1169 allocation received by the respective school district or charter school under this section for
1170 classroom construction.

1171 (6) This appropriation is to supplement any other appropriation made for class size
1172 reduction.

1173 (7) The Legislature shall provide for an annual adjustment in the appropriation
1174 authorized under this section in proportion to the increase in the number of students in the state
1175 in kindergarten through grade eight.

1176 (8) (a) For a school district or charter school to qualify for class size reduction money,
1177 a local education board shall submit:

1178 (i) a plan for the use of the allocation of class size reduction money to the State Board
1179 of Education; and

1180 (ii) beginning with the 2014-15 school year, a report on the local education board's use
1181 of class size reduction money in the prior school year.

1182 (b) The plan and report required pursuant to Subsection (8)(a) shall include the
1183 following information:

1184 (i) (A) the number of teachers employed using class size reduction money;

1185 (B) the amount of class size reduction money expended for teachers; and

1186 (C) if supplemental school district or charter school funds are expended to pay for
1187 teachers employed using class size reduction money, the amount of the supplemental money;

1188 (ii) (A) the number of paraprofessionals employed using class size reduction money;

1189 (B) the amount of class size reduction money expended for paraprofessionals; and

1190 (C) if supplemental school district or charter school funds are expended to pay for
1191 paraprofessionals employed using class size reduction money, the amount of the supplemental
1192 money; and

1193 (iii) the amount of class size reduction money expended for capital facilities.

1194 (c) In addition to submitting a plan and report on the use of class size reduction money,
1195 a local education board shall annually submit a report to the State Board of Education that
1196 includes the following information:

1197 (i) the number of teachers employed using K-3 Reading Improvement Program money
1198 received pursuant to Sections ~~[53A-17a-150]~~ 53F-2-503 and ~~[53A-17a-151]~~ 53F-8-406;

1199 (ii) the amount of K-3 Reading Improvement Program money expended for teachers;

(iii) the number of teachers employed in kindergarten through grade 8 using Title I money;

(iv) the amount of Title I money expended for teachers in kindergarten through grade 8; and

(v) a comparison of actual average class size by grade in grades kindergarten through 8 in the school district or charter school with what the average class size would be without the expenditure of class size reduction, K-3 Reading Improvement Program, and Title I money.

(d) The information required to be reported in Subsections (8)(b)(i)(A) through (C), (8)(b)(ii)(A) through (C), and (8)(c) shall be categorized by a teacher's or paraprofessional's teaching assignment, such as the grade level, course, or subject taught.

(e) The State Board of Education may make rules specifying procedures and standards for the submission of:

(i) a plan and a report on the use of class size reduction money as required by this section; and

(ii) a report required under Subsection (8)(c).

(f) Based on the data contained in the class size reduction plans and reports submitted by local education boards, and data on average class size, the State Board of Education shall annually report to the Public Education Appropriations Subcommittee on the impact of class size reduction, K-3 Reading Improvement Program, and Title I money on class size.

Section 26. Section **53F-2-313**, which is renumbered from Section 53A-17a-116 is renumbered and amended to read:

[53A-17a-116]. 53F-2-313. Weighted pupil units for career and technical education set-aside programs.

(1) Each school district and charter school shall receive a guaranteed minimum allocation from the money appropriated to the State Board of Education for a career and technical education set-aside program.

(2) The set-aside funds remaining after the initial minimum payment allocation are distributed by a request for proposals process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Section 27. Section **53F-2-401**, which is renumbered from Section 53A-17a-119 is

1231 renumbered and amended to read:

1232 **Part 4. Related to Basic Program -- Formula Programs**

1233 **~~[53A-17a-119].~~ 53F-2-401. Appropriation for adult education programs.**

1234 (1) Money appropriated to the State Board of Education for adult education shall be
1235 allocated to school districts for adult high school completion and adult basic skills programs.

1236 (2) Each school district shall receive a pro rata share of the appropriation for adult high
1237 school completion programs based on the number of people in the school district listed in the
1238 latest official census who are over 18 years of age and who do not have a high school diploma
1239 and prior year participation or as approved by State Board of Education rule.

1240 (3) On February 1 of each school year, the State Board of Education shall recapture
1241 money not used for an adult high school completion program for reallocation to school districts
1242 that have implemented programs based on need and effort as determined by the State Board of
1243 Education.

1244 (4) To the extent of money available, school districts shall provide program services to
1245 adults who do not have a diploma and who intend to graduate from high school, with particular
1246 emphasis on homeless individuals who are seeking literacy and life skills.

1247 (5) Overruns in adult education in any school district may not reduce the value of the
1248 weighted pupil unit for this program in another school district.

1249 (6) School districts shall spend money on adult basic skills programs according to
1250 standards established by the State Board of Education.

1251 Section 28. Section **53F-2-402**, which is renumbered from Section 53A-17a-126 is
1252 renumbered and amended to read:

1253 **~~[53A-17a-126].~~ 53F-2-402. State support of pupil transportation.**

1254 (1) Money appropriated to the State Board of Education for state-supported
1255 transportation of public school students shall be apportioned and distributed in accordance with
1256 Section ~~[53A-17a-127]~~ 53F-2-403, except as otherwise provided in this section or Section
1257 ~~[53A-17a-126.5]~~ 53F-2-412.

1258 (2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil
1259 transportation money to pay for transportation of students based on current valid contractual
1260 arrangements and best transportation options and methods as determined by the schools.

1261 (b) All student transportation costs of the schools shall be paid from the allocation of

1262 pupil transportation money specified in statute.

1263 (3) (a) A local school board may only claim eligible transportation costs as legally
1264 reported on the prior year's annual financial report submitted under Section [~~53A-3-404~~]
1265 53G-4-404.

1266 (b) The state shall contribute 85% of approved transportation costs, subject to budget
1267 constraints.

1268 (c) If in a fiscal year the total transportation allowance for all school districts exceeds
1269 the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
1270 more than the amount appropriated.

1271 Section 29. Section **53F-2-403**, which is renumbered from Section 53A-17a-127 is
1272 renumbered and amended to read:

1273 [~~53A-17a-127~~]. **53F-2-403. Eligibility for state-supported transportation --**
1274 **Approved bus routes.**

1275 (1) A student eligible for state-supported transportation means:

1276 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
1277 from school;

1278 (b) a student enrolled in grades seven through 12 who lives at least two miles from
1279 school; and

1280 (c) a student enrolled in a special program offered by a school district and approved by
1281 the State Board of Education for trainable, motor, multiple-disability, or other students with
1282 severe disabilities who are incapable of walking to school or where it is unsafe for students to
1283 walk because of their disabling condition, without reference to distance from school.

1284 (2) If a school district implements double sessions as an alternative to new building
1285 construction, with the approval of the State Board of Education, those affected elementary
1286 school students residing less than 1-1/2 miles from school may be transported one way to or
1287 from school because of safety factors relating to darkness or other hazardous conditions as
1288 determined by the local school board.

1289 (3) (a) The State Board of Education shall distribute transportation money to school
1290 districts based on:

1291 (i) an allowance per mile for approved bus routes;

1292 (ii) an allowance per hour for approved bus routes; and

1293 (iii) a minimum allocation for each school district eligible for transportation funding.

1294 (b) The State Board of Education shall distribute appropriated transportation funds
1295 based on the prior year's eligible transportation costs as legally reported under Subsection
1296 ~~[53A-17a-126]~~ 53F-2-402(3).

1297 (c) The State Board of Education shall annually review the allowance per mile and the
1298 allowance per hour and adjust the allowances to reflect current economic conditions.

1299 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
1300 collected by October 1.

1301 (b) Approved route funding shall be determined on the basis of the most efficient and
1302 economic routes.

1303 (5) A Transportation Advisory Committee with representation from school district
1304 superintendents, business officials, school district transportation supervisors, and State Board
1305 of Education employees shall serve as a review committee for addressing school transportation
1306 needs, including recommended approved bus routes.

1307 (6) ~~[(a) Except as provided in Subsection (6)(e), a]~~ A local school board may provide
1308 for the transportation of students regardless of the distance from school, from~~[-(i)]~~ general
1309 funds of the school district~~[-and]~~.

1310 ~~[(ii) a tax rate not to exceed .0003 per dollar of taxable value levied by the local school~~
1311 ~~board.]~~

1312 ~~[(b) A local school board may use revenue from the tax described in Subsection~~
1313 ~~(6)(a)(ii) to pay for transporting students and for the replacement of school buses.]~~

1314 ~~[(c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,~~
1315 ~~the state may contribute an amount not to exceed 85% of the state average cost per mile,~~
1316 ~~contingent upon the Legislature appropriating funds for a state contribution.]~~

1317 ~~[(ii) The State Board of Education's employees shall distribute the state contribution~~
1318 ~~according to rules enacted by the State Board of Education.]~~

1319 ~~[(d) (i) The amount of state guarantee money that a school district would otherwise be~~
1320 ~~entitled to receive under Subsection (6)(e) may not be reduced for the sole reason that the~~
1321 ~~school district's levy is reduced as a consequence of changes in the certified tax rate under~~
1322 ~~Section 59-2-924 due to changes in property valuation.]~~

1323 ~~[(ii) Subsection (6)(d)(i) applies for a period of two years following the change in the~~

1324 ~~certified tax rate.]~~

1325 ~~[(c) Beginning January 1, 2012, a local school board may not impose a tax in~~
 1326 ~~accordance with this Subsection (6).]~~

1327 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002
 1328 per dollar of taxable value of the school district's board local levy imposed under Section
 1329 ~~[53A-17a-164 for the uses described in Subsection (6)(b)]~~ 53F-8-302 to pay for transporting
 1330 students and for the replacement of school buses, the state may contribute an amount not to
 1331 exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating
 1332 funds for a state contribution.

1333 (ii) The State Board of Education's employees shall distribute the state contribution
 1334 according to rules enacted by the State Board of Education.

1335 (b) (i) The amount of state guarantee money that a school district would otherwise be
 1336 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the
 1337 school district's levy is reduced as a consequence of changes in the certified tax rate under
 1338 Section 59-2-924 due to changes in property valuation.

1339 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the
 1340 certified tax rate.

1341 Section 30. Section **53F-2-404**, which is renumbered from Section 53A-16-101.5 is
 1342 renumbered and amended to read:

1343 ~~[53A-16-101.5].~~ **53F-2-404. School LAND Trust Program -- Purpose --**
 1344 **Distribution of funds -- School plans for use of funds.**

1345 (1) As used in this section:

1346 (a) "Charter agreement" means an agreement made in accordance with Section
 1347 ~~[53A-1a-508]~~ 53G-5-303 that authorizes the operation of a charter school.

1348 (b) "Charter school authorizer" means the same as that term is defined in Section
 1349 ~~[53A-1a-501.3]~~ 53G-5-102.

1350 (c) "Charter trust land council" means a council established by a charter school
 1351 governing board under this section.

1352 (d) "Council" means a school community council or a charter trust land council.

1353 (e) "District school" means a public school under the control of a local school board
 1354 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School

1355 Boards.

1356 (f) "School community council" means a council established at a district school in
1357 accordance with Section ~~[53A-1a-108]~~ 53G-7-1202.

1358 (2) There is established the School LAND (Learning And Nurturing Development)
1359 Trust Program to:

1360 (a) provide financial resources to public schools to enhance or improve student
1361 academic achievement and implement a component of a district school's school improvement
1362 plan or a charter school's charter agreement; and

1363 (b) involve parents and guardians of a school's students in decision making regarding
1364 the expenditure of School LAND Trust Program money allocated to the school.

1365 (3) (a) The program shall be funded each fiscal year:

1366 (i) from the Trust Distribution Account created in Section ~~[53A-16-101]~~ 53F-9-201;
1367 and

1368 (ii) in the amount of the sum of the following:

1369 (A) the distributions from the investment of money in the permanent State School Fund
1370 deposited to the Trust Distribution Account on or about July 15 each year; and

1371 (B) interest accrued on the Trust Distribution Account in the immediately preceding
1372 fiscal year.

1373 (b) The program shall be funded as provided in Subsection (3)(a) up to an amount
1374 equal to 3% of the funds provided for the Minimum School Program, pursuant to ~~[Title 53A,~~
1375 ~~Chapter 17a, Minimum School Program Act]~~ this chapter, each fiscal year.

1376 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
1377 Board of Education, a portion of the Trust Distribution Account created in Section
1378 ~~[53A-16-101]~~ 53F-9-201 to be used for:

1379 (A) the administration of the School LAND Trust Program; and

1380 (B) the performance of duties described in Section ~~[53A-16-101.6]~~ 53E-3-514.

1381 (ii) Any unused balance remaining from an amount appropriated under Subsection
1382 (3)(c)(i) shall be deposited in the Trust Distribution Account for distribution to schools in the
1383 School LAND Trust Program.

1384 (4) (a) The State Board of Education shall allocate the money referred to in Subsection
1385 (3) annually as follows:

1386 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
1387 product of:

1388 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
1389 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

1390 (B) the total amount available for distribution under Subsection (3);

1391 (ii) charter schools shall receive funding equal to the product of:

1392 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
1393 October 1 in the prior year in public schools statewide; and

1394 (B) the total amount available for distribution under Subsection (3); and

1395 (iii) of the funds available for distribution under Subsection (3) after the allocation of
1396 funds for the Utah Schools for the Deaf and the Blind and charter schools:

1397 (A) school districts shall receive 10% of the funds on an equal basis; and

1398 (B) the remaining 90% of the funds shall be distributed to school districts on a per
1399 student basis.

1400 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1401 the State Board of Education shall make rules specifying a formula to distribute the amount
1402 allocated under Subsection (4)(a)(ii) to charter schools.

1403 (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:

1404 (A) consult with the State Charter School Board; and

1405 (B) ensure that the rules include a provision that allows a charter school in the charter
1406 school's first year of operations to receive funding based on projected enrollment, to be
1407 adjusted in future years based on actual enrollment.

1408 (c) A school district shall distribute its allocation under Subsection (4)(a)(iii) to each
1409 school within the school district on an equal per student basis.

1410 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1411 State Board of Education may make rules regarding the time and manner in which the student
1412 count shall be made for allocation of the money under Subsection (4)(a)(iii).

1413 (5) To receive its allocation under Subsection (4):

1414 (a) a district school shall have established a school community council in accordance
1415 with Section ~~[53A-1a-108]~~ 53G-7-1202;

1416 (b) a charter school shall have established a charter trust land council in accordance

1417 with Subsection (9); and

1418 (c) the school's principal shall provide a signed, written assurance that the school is in
1419 compliance with Subsection (5)(a) or (b).

1420 (6) (a) A council shall create a program to use its allocation under Subsection (4) to
1421 implement a component of the school's improvement plan or charter agreement, including:

1422 (i) the school's identified most critical academic needs;

1423 (ii) a recommended course of action to meet the identified academic needs;

1424 (iii) a specific listing of any programs, practices, materials, or equipment which the
1425 school will need to implement a component of its school improvement plan to have a direct
1426 impact on the instruction of students and result in measurable increased student performance;
1427 and

1428 (iv) how the school intends to spend its allocation of funds under this section to
1429 enhance or improve academic excellence at the school.

1430 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
1431 Trust Program money in a meeting of the council at which a quorum is present.

1432 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
1433 Program money, the plan is adopted.

1434 (c) A council shall:

1435 (i) post a plan for the use of School LAND Trust Program money that is adopted in
1436 accordance with Subsection (6)(b) on the School LAND Trust Program website; and

1437 (ii) include with the plan a report noting the number of council members who voted for
1438 or against the approval of the plan and the number of council members who were absent for the
1439 vote.

1440 (d) (i) The local school board of a district school shall approve or disapprove a plan for
1441 the use of School LAND Trust Program money.

1442 (ii) If a local school board disapproves a plan for the use of School LAND Trust
1443 Program money:

1444 (A) the local school board shall provide a written explanation of why the plan was
1445 disapproved and request the school community council who submitted the plan to revise the
1446 plan; and

1447 (B) the school community council shall submit a revised plan in response to a local

1448 school board's request under Subsection (6)(d)(ii)(A).

1449 (iii) Once a plan has been approved by a local school board, a school community
1450 council may amend the plan, subject to a majority vote of the school community council and
1451 local school board approval.

1452 (e) A charter trust land council's plan for the use of School LAND Trust Program
1453 money is subject to approval by the:

1454 (i) charter school governing board; and

1455 (ii) charter school's charter school authorizer.

1456 (7) (a) A district school or charter school shall:

1457 (i) implement the program as approved;

1458 (ii) provide ongoing support for the council's program; and

1459 (iii) meet State Board of Education reporting requirements regarding financial and
1460 performance accountability of the program.

1461 (b) (i) A district school or charter school shall prepare and post an annual report of the
1462 program on the School LAND Trust Program website each fall.

1463 (ii) The report shall detail the use of program funds received by the school under this
1464 section and an assessment of the results obtained from the use of the funds.

1465 (iii) A summary of the report shall be provided to parents or guardians of students
1466 attending the school.

1467 (8) On or before October 1 of each year, a school district shall record the amount of the
1468 program funds distributed to each school under Subsection (4)(c) on the School LAND Trust
1469 Program website to assist schools in developing the annual report described in Subsection
1470 (7)(b).

1471 (9) (a) The governing board of a charter school shall establish a council, which shall
1472 prepare a plan for the use of School LAND Trust Program money that includes the elements
1473 listed in Subsection (6).

1474 (b) (i) The membership of the council shall include parents or guardians of students
1475 enrolled at the school and may include other members.

1476 (ii) The number of council members who are parents or guardians of students enrolled
1477 at the school shall exceed all other members combined by at least two.

1478 (c) A charter school governing board may serve as the council that prepares a plan for

the use of School LAND Trust Program money if the membership of the charter school governing board meets the requirements of Subsection (9)(b)(ii).

(d) (i) Except as provided in Subsection (9)(d)(ii), council members who are parents or guardians of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.

(ii) Subsection (9)(d)(i) does not apply to a charter school governing board that serves as the council that prepares a plan for the use of School LAND Trust Program money.

(e) A parent or guardian of a student enrolled at the school shall serve as chair or cochair of a council that prepares a plan for the use of School LAND Trust Program money.

(10) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.

(11) If the amount of money prescribed for funding the School LAND Trust Program under this section is less than or greater than the money appropriated for the School LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for funding the School LAND Trust Program in this section, up to a maximum of an amount equal to 3% of the funds provided for the Minimum School Program.

(12) The State Board of Education shall distribute the money appropriated in Subsection (11) in accordance with this section and rules established by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 31. Section **53F-2-405**, which is renumbered from Section 53A-17a-153 is renumbered and amended to read:

~~[53A-17a-153].~~ 53F-2-405. Educator salary adjustments.

(1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:

(a) a license issued under ~~[Title 53A, Chapter 6, Educator Licensing and Professional Practices Act]~~ Title 53E, Chapter 6, Education Professional Licensure; and

(b) a position as a:

(i) classroom teacher;

(ii) speech pathologist;

(iii) librarian or media specialist;

- 1510 (iv) preschool teacher;
- 1511 (v) mentor teacher;
- 1512 (vi) teacher specialist or teacher leader;
- 1513 (vii) guidance counselor;
- 1514 (viii) audiologist;
- 1515 (ix) psychologist; or
- 1516 (x) social worker.

1517 (2) In recognition of the need to attract and retain highly skilled and dedicated
1518 educators, the Legislature shall annually appropriate money for educator salary adjustments,
1519 subject to future budget constraints.

1520 (3) Money appropriated to the State Board of Education for educator salary
1521 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for
1522 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions
1523 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
1524 compared to the total number of full-time-equivalent educator positions in school districts,
1525 charter schools, and the Utah Schools for the Deaf and the Blind.

1526 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
1527 shall award bonuses to educators as follows:

1528 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
1529 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
1530 Blind;

1531 (b) an individual who is not a full-time educator shall receive a partial salary adjustment
1532 based on the number of hours the individual works as an educator; and

1533 (c) a salary adjustment may be awarded only to an educator who has received a
1534 satisfactory rating or above on the educator's most recent evaluation.

1535 (5) The State Board of Education may make rules as necessary to administer this
1536 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1537 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
1538 money each year to:

- 1539 (i) maintain educator salary adjustments provided in prior years; and
- 1540 (ii) provide educator salary adjustments to new employees.

(b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:

- (i) retirement;
- (ii) worker's compensation;
- (iii) social security; and
- (iv) Medicare.

(7) (a) Subject to future budget constraints, the Legislature shall:

(i) maintain the salary adjustments provided to school administrators in the 2007-08 school year; and

(ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators.

(b) The appropriation provided for educator salary adjustments shall include salary adjustments for school administrators as specified in Subsection (7)(a).

(c) In distributing and awarding salary adjustments for school administrators, the State Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Section 32. Section **53F-2-406**, which is renumbered from Section 53A-17a-154 is renumbered and amended to read:

~~[53A-17a-154].~~ **53F-2-406.** **Appropriation for school nurses.**

The State Board of Education shall distribute money appropriated for school nurses to award grants to school districts and charter schools that:

- (1) provide an equal amount of matching funds; and
- (2) do not supplant other money used for school nurses.

Section 33. Section **53F-2-407**, which is renumbered from Section 53A-17a-155 is renumbered and amended to read:

~~[53A-17a-155].~~ **53F-2-407.** **Appropriation for library books and electronic resources.**

(1) The State Board of Education shall distribute money appropriated for library books and electronic resources as follows:

- (a) 25% shall be divided equally among all public schools; and

(b) 75% shall be divided among public schools based on each school's average daily membership as compared to the total average daily membership.

(2) A school district or charter school may not use money distributed under Subsection (1) to supplant other money used to purchase library books or electronic resources.

Section 34. Section **53F-2-408**, which is renumbered from Section 53A-17a-165 is renumbered and amended to read:

[53A-17a-165]. 53F-2-408. Enhancement for Accelerated Students Program.

(1) As used in this section, "eligible low-income student" means a student who:

(a) takes an Advanced Placement test;

(b) has applied for an Advanced Placement test fee reduction; and

(c) qualifies for a free lunch or a lunch provided at reduced cost.

(2) The State Board of Education shall distribute money appropriated for the Enhancement for Accelerated Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with local education boards.

(3) A distribution formula adopted under Subsection (2) may include an allocation of money for:

(a) Advanced Placement courses;

(b) Advanced Placement test fees of eligible low-income students;

(c) gifted and talented programs, including professional development for teachers of high ability students; and

(d) International Baccalaureate programs.

(4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for Accelerated Students Program may be allowed for International Baccalaureate programs.

(5) A school district or charter school shall use money distributed under this section to enhance the academic growth of students whose academic achievement is accelerated.

(6) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program.

(7) If a school district or charter school receives an allocation of less than \$10,000 under this section, the school district or charter school may use the allocation as described in Section 53F-2-206.

Section 35. Section **53F-2-409**, which is renumbered from Section 53A-15-1707 is renumbered and amended to read:

~~[53A-15-1707].~~ **53F-2-409. Concurrent enrollment funding.**

(1) The terms defined in Section 53F-10-301 apply to this section.

~~[(+)]~~ (2) The State Board of Education shall allocate money appropriated for concurrent enrollment in accordance with this section.

~~[(+)]~~ (3) (a) The State Board of Education shall allocate money appropriated for concurrent enrollment in proportion to the number of credit hours earned for courses taken where:

(i) an LEA primarily bears the cost of instruction; and

(ii) an institution of higher education primarily bears the cost of instruction.

(b) From the money allocated under Subsection ~~[(2)]~~ (3)(a)(i), the State Board of Education shall distribute:

(i) 60% of the money to LEAs; and

(ii) 40% of the money to the State Board of Regents.

(c) From the money allocated under Subsection ~~[(2)]~~ (3)(a)(ii), the State Board of Education shall distribute:

(i) 40% of the money to LEAs; and

(ii) 60% of the money to the State Board of Regents.

(d) The State Board of Education shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections ~~[(2)]~~ (3)(b)(i) and ~~[(2)]~~ (3)(c)(i).

(e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated to institutions of higher education under Subsections ~~[(2)]~~ (3)(b)(ii) and ~~[(2)]~~ (3)(c)(ii).

~~[(3)]~~ (4) Subject to budget constraints, the Legislature shall annually increase the money appropriated for concurrent enrollment in proportion to the percentage increase over the previous school year in:

(a) kindergarten through grade 12 student enrollment; and

(b) the value of the weighted pupil unit.

(5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA

1634 may use the allocation as described in Section 53F-2-206.

1635 Section 36. Section **53F-2-410**, which is renumbered from Section 53A-17a-166 is
1636 renumbered and amended to read:

1637 ~~[53A-17a-166].~~ **53F-2-410. Enhancement for At-Risk Students Program.**

1638 (1) (a) Subject to the requirements of Subsection (1)(b), the State Board of Education
1639 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
1640 school districts and charter schools according to a formula adopted by the State Board of
1641 Education, after consultation with local education boards.

1642 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
1643 appropriation for Enhancement for At-Risk Students for a gang prevention and intervention
1644 program designed to help students at-risk for gang involvement stay in school.

1645 (ii) Money for the gang prevention and intervention program shall be distributed to
1646 school districts and charter schools through a request for proposals process.

1647 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
1648 Education shall use the following criteria:

1649 (a) low performance on statewide assessments described in Section ~~[53A-1-602]~~
1650 53E-4-301;

1651 (b) poverty;

1652 (c) mobility; and

1653 (d) limited English proficiency.

1654 (3) A local education board shall use money distributed under this section to improve
1655 the academic achievement of students who are at risk of academic failure.

1656 (4) The State Board of Education shall develop performance criteria to measure the
1657 effectiveness of the Enhancement for At-Risk Students Program.

1658 (5) If a school district or charter school receives an allocation of less than \$10,000
1659 under this section, the school district or charter school may use the allocation as described in
1660 Section 53F-2-206.

1661 Section 37. Section **53F-2-411**, which is renumbered from Section 53A-17a-168 is
1662 renumbered and amended to read:

1663 ~~[53A-17a-168].~~ **53F-2-411. Appropriation for Title 1 Schools in**
1664 **Improvement Paraeducators Program.**

1665 (1) As used in this section:

1666 (a) "Eligible school" means a Title 1 school that has not achieved adequate yearly
1667 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
1668 the same subject area for two consecutive years.

1669 (b) "Paraeducator" means a school employee who:

1670 (i) delivers instruction under the direct supervision of a teacher; and

1671 (ii) meets the requirements under Subsection (3).

1672 (c) "Program" means the Title 1 Schools in Improvement Paraeducators Program
1673 created in this section.

1674 (2) The program is created to provide funding for eligible schools to hire paraeducators
1675 to provide additional instructional aid in the classroom to assist students in achieving academic
1676 success and assist the school in exiting Title 1 school improvement status.

1677 (3) A paraeducator who is funded under this section shall have:

1678 (a) earned a secondary school diploma or a recognized equivalent;

1679 (b) (i) completed at least two years with a minimum of 48 semester hours at an
1680 accredited higher education institution;

1681 (ii) obtained an associates or higher degree from an accredited higher education
1682 institution; or

1683 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
1684 and ability to assist in instructing students in, reading, writing, and mathematics; and

1685 (c) received large group-, small group-, and individual-level professional development
1686 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
1687 behavior management, and teaming.

1688 (4) The State Board of Education shall distribute money appropriated for the program
1689 to eligible schools, in accordance with rules adopted by the board.

1690 (5) Funds appropriated under the program may not be used to supplant other money
1691 used for paraeducators at eligible schools.

1692 Section 38. Section **53F-2-412**, which is renumbered from Section 53A-17a-126.5 is
1693 renumbered and amended to read:

1694 ~~[53A-17a-126.5]~~. **53F-2-412. Grants for unsafe routes.**

1695 (1) As used in this section:

- 1696 (a) "Board" means the State Board of Education.
- 1697 (b) "Transportation Advisory Committee" means the review committee for addressing
1698 school transportation needs described in Subsection [~~53A-17a-127~~] 53F-2-403(5).
- 1699 (c) "Unsafe route" means a route between a student's residence and school that is:
- 1700 (i) shorter than a distance described in:
- 1701 (A) Subsection [~~53A-17a-127~~] 53F-2-403(1)(a) for a student enrolled in kindergarten
1702 through grade 6; or
- 1703 (B) Subsection [~~53A-17a-127~~] 53F-2-403(1)(b) for a student enrolled in grades 7
1704 through 12; and
- 1705 (ii) due to a health or safety concern, dangerous for a student to walk.
- 1706 (2) Subject to legislative appropriations for grants for unsafe routes provided under this
1707 section, the board shall:
- 1708 (a) solicit proposals from school districts to receive a grant; and
- 1709 (b) award grants to school districts.
- 1710 (3) To receive a grant under this section, a school district shall submit a proposal to the
1711 board that:
- 1712 (a) describes an unsafe route for which the school district intends to receive a grant;
- 1713 (b) includes a written statement from the following describing why the route is unsafe:
- 1714 (i) the school district;
- 1715 (ii) local law enforcement; and
- 1716 (iii) the municipality or county in which the described route is located; and
- 1717 (c) includes other information as required by the board.
- 1718 (4) (a) The Transportation Advisory Committee shall:
- 1719 (i) evaluate a proposal submitted to the board under Subsection (3); and
- 1720 (ii) make recommendations to the board regarding whether to fund the proposal.
- 1721 (b) The board shall consider the recommendations of the Transportation Advisory
1722 Committee before awarding a grant described in Subsection (2)(b).
- 1723 (5) In awarding a grant under this section, the board may not:
- 1724 (a) contribute an amount exceeding 85% of the cost of an unsafe route funded by the
1725 grant; or
- 1726 (b) award more than 15% of the appropriation under this section to a particular school

1727 district.

1728 (6) The Transportation Advisory Committee shall:

1729 (a) review each year an unsafe route funded by a grant; and

1730 (b) make a recommendation to the board regarding whether the board, subject to
1731 legislative appropriations, should renew the grant.

1732 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1733 board shall make rules to implement the grant program described in this section.

1734 Section 39. Section **53F-2-413**, which is renumbered from Section 53A-17a-141 is
1735 renumbered and amended to read:

1736 ~~[53A-17a-141].~~ **53F-2-413. Alternative programs.**

1737 (1) Since the State Board of Education has adopted a policy that requires school
1738 districts and charter schools to grant credit for proficiency through alternative programs, school
1739 districts and charter schools are encouraged to continue and expand school district and charter
1740 school cooperation with accredited institutions through performance contracts for educational
1741 services, particularly where it is beneficial to students whose progress could be better served
1742 through alternative programs.

1743 (2) School districts and charter schools are encouraged to participate in programs that
1744 focus on increasing the number of ethnic minority and female students in the secondary schools
1745 who will go on to study mathematics, engineering, or related sciences at an institution of higher
1746 education.

1747 Section 40. Section **53F-2-501**, which is renumbered from Section 53A-15-102 is
1748 renumbered and amended to read:

1749 **Part 5. Related to Basic Program -- Grant Programs**

1750 ~~[53A-15-102].~~ **53F-2-501. Early graduation incentives -- Incentive to school**
1751 **district -- Partial tuition scholarship for student -- Payments.**

1752 (1) A secondary public school student who has completed all required courses or
1753 demonstrated mastery of required skills and competencies may graduate at any time with the
1754 approval of:

1755 (a) the student;

1756 (b) the student's parent or guardian; and

1757 (c) a local school official who is authorized by the school's principal or director to

1758 approve early graduation.

1759 (2) The State Board of Education shall make a payment to a public high school in an
1760 amount equal to 1/2 of the scholarship awarded to each student under this section who
1761 graduates from the school at or before the conclusion of grade 11, or a proportionately lesser
1762 amount for a student who graduates after the conclusion of grade 11 but before the conclusion
1763 of grade 12.

1764 (3) (a) The State Board of Education shall award to each student who graduates from
1765 high school at or before the conclusion of grade 11 a centennial scholarship in the amount of
1766 the greater of 30% of the previous year's value of the weighted pupil unit~~[, as defined in~~
1767 ~~Section 53A-1a-703;~~] or \$1,000, subject to this Subsection (3) through Subsection (6).

1768 (b) A student who is awarded a centennial scholarship may use the scholarship for full
1769 time enrollment at:

1770 (i) a Utah public college, university, or community college;

1771 (ii) a technical college described in Section 53B-2a-105; or

1772 (iii) any other institution in the state of Utah that:

1773 (A) is accredited by an accrediting organization recognized by the State Board of
1774 Regents; and

1775 (B) offers postsecondary courses of the student's choice.

1776 (c) Before making a payment of a centennial scholarship, the State Board of Education
1777 shall verify that the student has registered at an institution described in Subsection (3)(b):

1778 (i) during the fiscal year following the student's graduation from high school; or

1779 (ii) at the end of the student's deferral period, in accordance with Subsection (4).

1780 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of
1781 grade 12, the State Board of Education shall award the student a centennial scholarship of a
1782 proportionately lesser amount than the scholarship amount described in Subsection (3)(a).

1783 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may
1784 make a request to the State Board of Education that the State Board of Education defer
1785 consideration of the student for the scholarship for a set period of time.

1786 (b) A student who makes a request under Subsection (4)(a) shall state in the request the
1787 reason for which the student wishes not to be considered for the scholarship until the end of the
1788 deferral period, which may include:

1789 (i) health reasons;
1790 (ii) religious reasons;
1791 (iii) military service; or
1792 (iv) humanitarian service.

1793 (c) If a student makes a request under Subsection (4)(a), the State Board of Education
1794 shall:

1795 (i) (A) review the student's request; and
1796 (B) approve or reject the student's request; and
1797 (ii) if the State Board of Education approves the student's request, in consultation with
1798 the student, set the length of the deferral period, ensuring that the deferral period is sufficient to
1799 meet the student's needs under Subsection (4)(b).

1800 (d) At the end of the deferral period, and upon request of the student, the State Board
1801 of Education shall:

1802 (i) determine a student to be eligible for the scholarship if the student was eligible at
1803 the time of the student's request for deferral; and
1804 (ii) if found eligible, make a payment to the student in an amount equal to the amount
1805 described in Subsection (4)(e).

1806 (e) The amount of a student's deferred scholarship payment shall be determined by the
1807 State Board of Education based on the amount of the scholarship the student would have been
1808 entitled to as described in Subsection (3) and based on the fiscal year prior to the student's
1809 request for deferral.

1810 (5) Except as provided in Subsection (4)(b), the State Board of Education:
1811 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal
1812 year that follows the student's graduation; and
1813 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:
1814 (i) in which the student graduates; or
1815 (ii) following the student's graduation.

1816 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation
1817 for the Centennial Scholarship Program based on:
1818 (a) the anticipated increase of students awarded a centennial scholarship; and
1819 (b) the percent increase of the prior year's weighted pupil unit value, as provided in

1820 Subsection (3).

1821 Section 41. Section **53F-2-502**, which is renumbered from Section 53A-15-105 is
1822 renumbered and amended to read:

1823 ~~[53A-15-105].~~ **53F-2-502. Dual Language Immersion Program -- Pilot.**

1824 (1) Subject to funding for the program, the State Board of Education shall establish a
1825 pilot program for school districts and schools to initially participate in the Dual Language
1826 Immersion Program.

1827 (2) The program shall provide funds as an incentive to 15 qualifying schools for the
1828 following languages:

- 1829 (a) six pilots for Chinese;
- 1830 (b) six pilots for Spanish;
- 1831 (c) two pilots for French; and
- 1832 (d) one pilot for Navajo.

1833 (3) Subject to funding for the program, a qualifying school shall:

- 1834 (a) receive up to \$18,000 per year for up to six years;
- 1835 (b) establish an instructional model that uses 50% of instruction in English and 50% of
1836 instruction in another language; and
- 1837 (c) begin the instructional model described under Subsection (3)(b) in kindergarten or
1838 grade 1 and add an additional grade each year.

1839 Section 42. Section **53F-2-503**, which is renumbered from Section 53A-17a-150 is
1840 renumbered and amended to read:

1841 ~~[53A-17a-150].~~ **53F-2-503. K-3 Reading Improvement Program.**

1842 (1) As used in this section:

- 1843 (a) "Board" means the State Board of Education.
- 1844 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
1845 comprehension, and vocabulary.
- 1846 (c) "Program" means the K-3 Reading Improvement Program.
- 1847 (d) "Program money" means:
 - 1848 (i) school district revenue allocated to the program from other money available to the
1849 school district, except money provided by the state, for the purpose of receiving state funds
1850 under this section; and

1851 (ii) money appropriated by the Legislature to the program.

1852 (2) The K-3 Reading Improvement Program consists of program money and is created
1853 to supplement other school resources to achieve the state's goal of having third graders reading
1854 at or above grade level.

1855 (3) Subject to future budget constraints, the Legislature may annually appropriate
1856 money to the K-3 Reading Improvement Program.

1857 (4) (a) For a school district or charter school to receive program money, a local
1858 education board shall submit a plan to the board for reading proficiency improvement that
1859 incorporates the following components:

1860 (i) assessment;

1861 (ii) intervention strategies;

1862 (iii) professional development for classroom teachers in kindergarten through grade
1863 three;

1864 (iv) reading performance standards; and

1865 (v) specific measurable goals that include the following:

1866 (A) a growth goal for each school within a school district and each charter school
1867 based upon student learning gains as measured by benchmark assessments administered
1868 pursuant to Section [~~53A-1-606.6~~] 53E-4-307; and

1869 (B) a growth goal for each school district and charter school to increase the percentage
1870 of third grade students who read on grade level from year to year as measured by the third
1871 grade reading test administered pursuant to Section [~~53A-1-603~~] 53E-4-302.

1872 (b) The board shall provide model plans that a local education board may use, or the
1873 local education board may develop the local education board's own plan.

1874 (c) Plans developed by a local education board shall be approved by the board.

1875 (d) The board shall develop uniform standards for acceptable growth goals that a local
1876 education board adopts for a school district or charter school as described in this Subsection
1877 (4).

1878 (5) (a) There is created within the K-3 Reading Achievement Program three funding
1879 programs:

1880 (i) the Base Level Program;

1881 (ii) the Guarantee Program; and

1882 (iii) the Low Income Students Program.

1883 (b) The board may use no more than \$7,500,000 from an appropriation described in
1884 Subsection (3) for computer-assisted instructional learning and assessment programs.

1885 (6) Money appropriated to the board for the K-3 Reading Improvement Program and
1886 not used by the board for computer-assisted instructional learning and assessments as described
1887 in Subsection (5)(b), shall be allocated to the three funding programs as follows:

1888 (a) 8% to the Base Level Program;

1889 (b) 46% to the Guarantee Program; and

1890 (c) 46% to the Low Income Students Program.

1891 (7) (a) For a school district or charter school to participate in the Base Level Program,
1892 the local education board shall submit a reading proficiency improvement plan to the board as
1893 provided in Subsection (4) and must receive approval of the plan from the board.

1894 (b) (i) The local school board of a school district qualifying for Base Level Program
1895 funds and the governing boards of qualifying elementary charter schools combined shall
1896 receive a base amount.

1897 (ii) The base amount for the qualifying elementary charter schools combined shall be
1898 allocated among each charter school in an amount proportionate to:

1899 (A) each existing charter school's prior year fall enrollment in grades kindergarten
1900 through grade three; and

1901 (B) each new charter school's estimated fall enrollment in grades kindergarten through
1902 grade three.

1903 (8) (a) A local school board that applies for program money in excess of the Base Level
1904 Program funds shall choose to first participate in either the Guarantee Program or the Low
1905 Income Students Program.

1906 (b) A school district must fully participate in either the Guarantee Program or the Low
1907 Income Students Program before the local school board may elect for the school district to
1908 either fully or partially participate in the other program.

1909 (c) For a school district to fully participate in the Guarantee Program, the local school
1910 board shall allocate to the program money available to the school district, except money
1911 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
1912 .000056.

(d) For a school district to fully participate in the Low Income Students Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.

(e) (i) The board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the local school board distributes funds in accordance with this section.

(ii) The State Tax Commission shall provide the board the information the board needs in order to comply with Subsection (8)(e)(i).

(9) (a) Except as provided in Subsection (9)(c), the local school board of a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

(i) equal to the difference between \$21 multiplied by the school district's total WPUs and the revenue the local school board is required to allocate under Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and

(ii) not less than \$0.

(b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the elementary charter school's total WPUs.

(c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the board for computer-assisted instructional learning and assessments.

(10) The board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.

(11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.

(12) (a) A local education board shall use program money for reading proficiency improvement interventions in grades kindergarten through grade 3 that have proven to

1944 significantly increase the percentage of students reading at grade level, including:

1945 (i) reading assessments; and

1946 (ii) focused reading remediations that may include:

1947 (A) the use of reading specialists;

1948 (B) tutoring;

1949 (C) before or after school programs;

1950 (D) summer school programs; or

1951 (E) the use of reading software; or

1952 (F) the use of interactive computer software programs for literacy instruction and
1953 assessments for students.

1954 (b) A local education board may use program money for portable technology devices
1955 used to administer reading assessments.

1956 (c) Program money may not be used to supplant funds for existing programs, but may
1957 be used to augment existing programs.

1958 (13) (a) Each local education board shall annually submit a report to the board
1959 accounting for the expenditure of program money in accordance with its plan for reading
1960 proficiency improvement.

1961 (b) If a local education board uses program money in a manner that is inconsistent with
1962 Subsection (12), the school district or charter school is liable for reimbursing the board for the
1963 amount of program money improperly used, up to the amount of program money received from
1964 the board.

1965 (14) (a) The board shall make rules to implement the program.

1966 (b) (i) The rules under Subsection (14)(a) shall require each local education board to
1967 annually report progress in meeting goals stated in the school district's or charter school's plan
1968 for student reading proficiency.

1969 (ii) If a school does not meet or exceed the school's goals, the local education board
1970 shall prepare a new plan which corrects deficiencies.

1971 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the board
1972 before the local education board receives an allocation for the next year.

1973 (15) (a) If for two consecutive school years, a school district fails to meet the school
1974 district's goal to increase the percentage of third grade students who read on grade level as

1975 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]
1976 53E-4-302, the school district shall terminate any levy imposed under Section [~~53A-17a-151~~]
1977 53F-8-406 and may not receive money appropriated by the Legislature for the K-3 Reading
1978 Improvement Program.

1979 (b) If for two consecutive school years, a charter school fails to meet the charter
1980 school's goal to increase the percentage of third grade students who read on grade level as
1981 measured by the third grade reading test administered pursuant to Section [~~53A-1-603~~]
1982 53E-4-302, the charter school may not receive money appropriated by the Legislature for the
1983 K-3 Reading Improvement Program.

1984 (16) The board shall make an annual report to the Public Education Appropriations
1985 Subcommittee that:

1986 (a) includes information on:

1987 (i) student learning gains in reading for the past school year and the five-year trend;

1988 (ii) the percentage of third grade students reading on grade level in the past school year
1989 and the five-year trend;

1990 (iii) the progress of schools and school districts in meeting goals stated in a school
1991 district's or charter school's plan for student reading proficiency; and

1992 (iv) the correlation between third grade students reading on grade level and results of
1993 third grade language arts scores on a criterion-referenced test or computer adaptive test; and

1994 (b) may include recommendations on how to increase the percentage of third grade
1995 students who read on grade level.

1996 Section 43. Section **53F-2-504**, which is renumbered from Section 53A-17a-156 is
1997 renumbered and amended to read:

1998 ~~[53A-17a-156]~~. **53F-2-504. Teacher Salary Supplement Program -- Appeal**
1999 **process.**

2000 (1) As used in this section:

2001 (a) "Board" means the State Board of Education.

2002 (b) "Certificate teacher" means a teacher who holds a National Board certification.

2003 (c) "Eligible teacher" means a teacher who:

2004 (i) has an assignment to teach:

2005 (A) a secondary school level mathematics course;

- 2006 (B) integrated science in grade seven or eight;
- 2007 (C) chemistry;
- 2008 (D) physics; or
- 2009 (E) computer science;
- 2010 (ii) holds the appropriate endorsement for the assigned course;
- 2011 (iii) has qualifying educational background; and
- 2012 (iv) (A) is a new employee; or
- 2013 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
- 2014 (d) "National Board certification" means the same as that term is defined in Section
- 2015 ~~[53A-6-103]~~ 53E-6-102.
- 2016 (e) "Qualifying educational background" means:
- 2017 (i) for a teacher who is assigned a secondary school level mathematics course:
- 2018 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
- 2019 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2020 requirements that are substantially equivalent to the course requirements for a bachelor's degree
- 2021 major, master's degree, or doctoral degree in mathematics;
- 2022 (ii) for a teacher who is assigned a grade seven or eight integrated science course,
- 2023 chemistry course, or physics course, a bachelor's degree major, master's degree, or doctoral
- 2024 degree in:
- 2025 (A) integrated science;
- 2026 (B) chemistry;
- 2027 (C) physics;
- 2028 (D) physical science;
- 2029 (E) general science; or
- 2030 (F) a bachelor's degree major, master's degree, or doctoral degree that has course
- 2031 requirements that are substantially equivalent to the course requirements of those required for a
- 2032 degree listed in Subsections (1)(e)(ii)(A) through (E);
- 2033 (iii) for a teacher who is assigned a computer science course, a bachelor's degree major,
- 2034 master's degree, or doctoral degree in:
- 2035 (A) computer science;
- 2036 (B) computer information technology; or

(C) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree listed in Subsections (1)(e)(iii)(A) and (B).

(f) "Title I school" means a school that receives funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

(g) "Title I school certificate teacher" means a certificate teacher who is assigned to teach at a Title I school.

(2) (a) Subject to future budget constraints, the Legislature shall annually appropriate money to the Teacher Salary Supplement Program.

(b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:

(i) retirement;

(ii) workers' compensation;

(iii) Social Security; and

(iv) Medicare.

(3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full time to teach one or more courses listed in Subsections (1)(c)(i)(A) through (E) is \$4,100.

(ii) An eligible teacher who has a part-time assignment to teach one or more courses listed in Subsections (1)(c)(i)(A) through (E) shall receive a partial salary supplement based on the number of hours worked in a course assignment that meets the requirements of Subsections (1)(c)(ii) and (iii).

(b) The annual salary supplement for a certificate teacher is \$750.

(c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

(ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b) and (c) may only receive the salary supplement that is greater in value.

(4) The board shall:

(a) create an online application system for a teacher to apply to receive a salary supplement through the Teacher Salary Supplement Program;

(b) determine if a teacher:

(i) (A) is an eligible teacher; and

(B) has a course assignment as listed in Subsections (1)(c)(i)(A) through (E);

2068 (ii) is a certificate teacher; or
2069 (iii) is a Title I school certificate teacher;
2070 (c) verify, as needed, the determinations made under Subsection (4)(b) with school
2071 district and school administrators; and
2072 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate
2073 teachers.
2074 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher
2075 shall apply with the board before the conclusion of a school year to receive the salary
2076 supplement authorized in this section.
2077 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may
2078 apply with the board, after verification that the requirements under this section have been
2079 satisfied, to receive a salary supplement after the completion of:
2080 (i) the school year as an annual award; or
2081 (ii) a semester or trimester as a partial award based on the portion of the school year
2082 that has been completed.
2083 (6) (a) The board shall establish and administer an appeal process for a teacher to
2084 follow if the teacher applies for the salary supplement and is not certified under Subsection (4).
2085 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to
2086 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree
2087 major with course requirements that are substantially equivalent to the course requirements for
2088 a degree listed in:
2089 (A) Subsection (1)(e)(i)(A);
2090 (B) Subsections (1)(e)(ii)(A) through (E); or
2091 (C) Subsections (1)(e)(iii)(A) and (B).
2092 (ii) A teacher shall provide transcripts and other documentation to the board in order
2093 for the board to determine if the teacher has a degree or degree major with course requirements
2094 that are substantially equivalent to the course requirements for a degree listed in:
2095 (A) Subsection (1)(e)(i)(A);
2096 (B) Subsections (1)(e)(ii)(A) through (E); or
2097 (C) Subsections (1)(e)(iii)(A) and (B).
2098 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to

2099 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

2100 (ii) A teacher shall provide to the board a certificate or other related documentation in
2101 order for the board to determine if the teacher holds a current certificate.

2102 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
2103 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

2104 (A) holds a current certificate; and

2105 (B) is assigned to teach at a Title I school.

2106 (ii) A teacher shall provide to the board:

2107 (A) information described in Subsection (6)(c)(ii); and

2108 (B) verification that the teacher is assigned to teach at a Title I school.

2109 (7) (a) The board shall distribute money appropriated to the Teacher Salary
2110 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
2111 Program in accordance with the provisions of this section.

2112 (b) The board shall include the employer-paid benefits described under Subsection
2113 (2)(b) in the amount of each salary supplement.

2114 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
2115 salary supplement limits described under Subsection (3).

2116 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
2117 a school district or charter school to provide a salary supplement equal to the amount specified
2118 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
2119 teacher.

2120 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
2121 qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher
2122 every year, semester, or trimester.

2123 (9) Notwithstanding the provisions of this section, if the appropriation for the program
2124 is insufficient to cover the costs associated with salary supplements, the board may limit or
2125 reduce the salary supplements.

2126 Section 44. Section **53F-2-505**, which is renumbered from Section 53A-17a-159 is
2127 renumbered and amended to read:

2128 **[53A-17a-159]. 53F-2-505. Utah Science Technology and Research Initiative**
2129 **Centers Program.**

2130 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
2131 Program is created to provide a financial incentive for local education boards to adopt
2132 programs in respective charter schools and school districts that result in a more efficient use of
2133 human resources and capital facilities.

2134 (b) The potential benefits of the program include:

2135 (i) increased compensation for math and science teachers by providing opportunities
2136 for an expanded contract year which will enhance school districts' and charter schools' ability to
2137 attract and retain talented and highly qualified math and science teachers;

2138 (ii) increased capacity of school buildings by using buildings more hours of the day or
2139 more days of the year, resulting in reduced capital facilities costs;

2140 (iii) decreased class sizes created by expanding the number of instructional
2141 opportunities in a year;

2142 (iv) opportunities for earlier high school graduation;

2143 (v) improved student college preparation;

2144 (vi) increased opportunities to offer additional remedial and advanced courses in math
2145 and science;

2146 (vii) opportunities to coordinate high school and post-secondary math and science
2147 education; and

2148 (viii) the creation or improvement of science, technology, engineering, and math
2149 centers (STEM Centers).

2150 (2) From money appropriated for the USTAR Centers Program, the State Board of
2151 Education shall award grants to charter schools and school districts to pay for costs related to
2152 the adoption and implementation of the program.

2153 (3) The State Board of Education shall:

2154 (a) solicit proposals from the State Charter School Board and local school boards for
2155 the use of grant money to facilitate the adoption and implementation of the program; and

2156 (b) award grants on a competitive basis.

2157 (4) The State Charter School Board shall:

2158 (a) solicit proposals from charter school governing boards that may be interested in
2159 participating in the USTAR Centers Program;

2160 (b) prioritize and consolidate the proposals into the equivalent of a single school

2161 district request; and

2162 (c) submit the consolidated request to the State Board of Education.

2163 (5) In selecting a grant recipient, the State Board of Education shall consider:

2164 (a) the degree to which a charter school or school district's proposed adoption and
2165 implementation of an extended year for math and science teachers achieves the benefits
2166 described in Subsection (1);

2167 (b) the unique circumstances of different urban, rural, large, small, growing, and
2168 declining charter schools and school districts; and

2169 (c) providing pilot programs in as many different school districts and charter schools as
2170 possible.

2171 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may
2172 only use grant money to provide full year teacher contracts, part-time teacher contract
2173 extensions, or combinations of both, for math and science teachers.

2174 (b) Up to 5% of the grant money may be used to fund math and science field trips,
2175 textbooks, and supplies.

2176 (7) Participation in the USTAR Centers Program shall be:

2177 (a) voluntary for an individual teacher; and

2178 (b) voluntary for a charter school or school district.

2179 Section 45. Section **53F-2-506**, which is renumbered from Section 53A-17a-162 is
2180 renumbered and amended to read:

2181 **~~[53A-17a-162].~~ 53F-2-506. Beverley Taylor Sorenson Elementary Arts**
2182 **Learning Program.**

2183 (1) As used in this section:

2184 (a) "Endowed chair" means a person who holds an endowed position or administrator
2185 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
2186 university.

2187 (b) "Endowed university" means an institution of higher education in the state that:

2188 (i) awards elementary education degrees in arts instruction;

2189 (ii) has received a major philanthropic donation for the purpose of arts and integrated
2190 arts instruction; and

2191 (iii) has created an endowed position as a result of a donation described in Subsection

2192 (1)(b)(ii).

2193 (c) "Integrated arts advocate" means a person who:

2194 (i) advocates for arts and integrated arts instruction in the state; and

2195 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
2196 chair.

2197 (d) "Local education agency" or "LEA" means:

2198 (i) a school district;

2199 (ii) a charter school; or

2200 (iii) the Utah Schools for the Deaf and the Blind.

2201 (2) The Legislature finds that a strategic placement of arts in elementary education can
2202 impact the critical thinking of students in other core subject areas, including mathematics,
2203 reading, and science.

2204 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
2205 enhance the social, emotional, academic, and arts learning of students in kindergarten through
2206 grade six by integrating arts teaching and learning into core subject areas and providing
2207 professional development for positions that support elementary arts and integrated arts
2208 education.

2209 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2210 Learning Program, and subject to Subsection (5), the State Board of Education shall, after
2211 consulting with endowed chairs and the integrated arts advocate and receiving their
2212 recommendations, administer a grant program to enable LEAs to:

2213 (a) hire highly qualified arts specialists, art coordinators, and other positions that
2214 support arts education and arts integration;

2215 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
2216 described under Subsection (4)(a) to purchase supplies and equipment; and

2217 (c) engage in other activities that improve the quantity and quality of integrated arts
2218 education.

2219 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds
2220 of no less than 20% of the grant amount, including no less than 20% of the grant amount for
2221 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

2222 (b) An LEA may not:

2223 (i) include administrative, facility, or capital costs to provide the matching funds
2224 required under Subsection (5)(a); or

2225 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
2226 supplant funds for existing programs.

2227 (6) An LEA that receives a grant under this section shall partner with an endowed chair
2228 to provide professional development in integrated elementary arts education.

2229 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2230 Learning Program, the State Board of Education shall administer a grant program to fund
2231 activities within arts and the integrated arts programs at an endowed university in the college
2232 where the endowed chair resides to:

2233 (a) provide high quality professional development in elementary integrated arts
2234 education in accordance with the professional learning standards in Section [~~53A-3-701~~]
2235 53G-11-303 to LEAs that receive a grant under Subsection (4);

2236 (b) design and conduct research on:

2237 (i) elementary integrated arts education and instruction;

2238 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
2239 Learning Program; and

2240 (iii) effectiveness of the professional development under Subsection (7)(a); and

2241 (c) provide the public with integrated elementary arts education resources.

2242 (8) The State Board of Education shall make rules in accordance with Title 63G,
2243 Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson
2244 Elementary Arts Learning Program.

2245 Section 46. Section **53F-2-507**, which is renumbered from Section 53A-17a-167 is
2246 renumbered and amended to read:

2247 **[53A-17a-167]. 53F-2-507. Enhanced kindergarten early intervention**
2248 **program.**

2249 (1) The State Board of Education shall, as described in Subsection (4), distribute funds
2250 appropriated under this section for an enhanced kindergarten program described in Subsection
2251 (2), to school districts and charter schools that apply for the funds.

2252 (2) A local education board shall use funds appropriated in this section for a school
2253 district or charter school to offer an early intervention program, delivered through an enhanced

2254 kindergarten program that:

2255 (a) is an academic program focused on building age-appropriate literacy and numeracy
2256 skills;

2257 (b) uses an evidence-based early intervention model;

2258 (c) is targeted to at-risk students; and

2259 (d) is delivered through additional hours or other means.

2260 (3) A local education board may not require a student to participate in an enhanced
2261 kindergarten program described in Subsection (2).

2262 (4) The State Board of Education shall distribute funds appropriated under this section
2263 for an enhanced kindergarten program described in Subsection (2) as follows:

2264 (a) (i) the total allocation for charter schools shall be calculated by:

2265 (A) dividing the number of charter school students by the total number of students in
2266 the public education system in the prior school year; and

2267 (B) multiplying the resulting percentage by the total amount of available funds; and

2268 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
2269 schools with the greatest need for an enhanced kindergarten program, as determined by the
2270 State Board of Education in consultation with the State Charter School Board;

2271 (b) each school district shall receive the amount calculated by:

2272 (i) multiplying the value of the weighted pupil unit by 0.45; and

2273 (ii) multiplying the result by 20; and

2274 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)
2275 are made, shall be distributed to applicant school districts by:

2276 (i) determining the number of students eligible to receive free lunch in the prior school
2277 year for each school district; and

2278 (ii) prorating the remaining funds based on the number of students eligible to receive
2279 free lunch in each school district.

2280 ~~[(5) In addition to an enhanced kindergarten program described in Subsection (2), the~~
2281 ~~early intervention program includes a component to address early reading through the use of~~
2282 ~~early interactive reading software.]~~

2283 ~~[(6)(a) Subject to legislative appropriations, the State Board of Education shall select~~
2284 ~~and contract with one or more technology providers, through a request for proposals process, to~~

2285 provide early interactive reading software for literacy instruction and assessments for students
2286 in kindergarten through grade 3;]

2287 [(b) By August 1 of each year, the State Board of Education shall distribute licenses for
2288 early interactive reading software described in Subsection (6)(a) to the school districts and
2289 charter schools of local education boards that apply for the licenses.]

2290 [(c) Except as provided in Subsection (7)(c), a school district or charter school that
2291 received a license described in Subsection (6)(b) during the prior year shall be given first
2292 priority to receive an equivalent license during the current year.]

2293 [(d) Licenses distributed to school districts and charter schools in addition to the
2294 licenses described in Subsection (6)(c) shall be distributed through a competitive process.]

2295 [(7)(a) As used in this Subsection (7), "dosage" means amount of instructional time;]

2296 [(b) A public school that receives a license described in Subsection (6)(b) shall use the
2297 license;]

2298 [(i) for a student in kindergarten or grade 1;]

2299 [(A) for intervention for the student if the student is reading below grade level; or]

2300 [(B) for advancement beyond grade level for the student if the student is reading at or
2301 above grade level;]

2302 [(ii) for a student in grade 2 or 3, for intervention for the student if the student is
2303 reading below grade level; and]

2304 [(iii) in accordance with the technology provider's dosage recommendations;]

2305 [(c) A public school that does not use the early interactive reading software in
2306 accordance with the technology provider's dosage recommendations for two consecutive years
2307 may not continue to receive a license.]

2308 [(8)(a) On or before August 1 of each year, the State Board of Education shall select
2309 and contract with an independent evaluator, through a request for proposals process, to act as
2310 an independent contractor to evaluate early interactive reading software provided under this
2311 section.]

2312 [(b) The State Board of Education shall ensure that a contract with an independent
2313 evaluator requires the independent evaluator to:]

2314 [(i) evaluate a student's learning gains as a result of using early interactive reading
2315 software provided under Subsection (6);]

2316 ~~[(ii) for the evaluation under Subsection (8)(b)(i), use an assessment that is not~~
2317 ~~developed by a provider of early interactive reading software; and]~~

2318 ~~[(iii) determine the extent to which a public school uses the early interactive reading~~
2319 ~~software in accordance with a technology provider's dosage recommendations under~~
2320 ~~Subsection (7).]~~

2321 ~~[(c) The State Board of Education and the independent evaluator selected under~~
2322 ~~Subsection (8)(a) shall report annually on the results of the evaluation to the Education Interim~~
2323 ~~Committee and the governor.]~~

2324 ~~[(d) The State Board of Education may use up to 4% of the appropriation provided~~
2325 ~~under Subsection (6)(a) to contract with an independent evaluator selected under Subsection~~
2326 ~~(8)(a).]~~

2327 Section 47. Section **53F-2-508**, which is renumbered from Section 53A-17a-169 is
2328 renumbered and amended to read:

2329 ~~[53A-17a-169].~~ **53F-2-508. Student Leadership Skills Development Program.**

2330 (1) For purposes of this section:

2331 (a) "Board" means the State Board of Education.

2332 (b) "Program" means the Student Leadership Skills Development Program created in
2333 Subsection (2).

2334 (2) There is created the Student Leadership Skills Development Program to develop
2335 student behaviors and skills that enhance a school's learning environment and are vital for
2336 success in a career, including:

2337 (a) communication skills;

2338 (b) teamwork skills;

2339 (c) interpersonal skills;

2340 (d) initiative and self-motivation;

2341 (e) goal setting skills;

2342 (f) problem solving skills; and

2343 (g) creativity.

2344 (3) (a) The board shall administer the program and award grants to elementary schools
2345 that apply for a grant on a competitive basis.

2346 (b) The board may award a grant of:

2347 (i) up to \$10,000 per school for the first year a school participates in the program; and
2348 (ii) up to \$20,000 per school for subsequent years a school participates in the program.
2349 (c) (i) After awarding a grant to a school for a particular year, the board may not
2350 change the grant amount awarded to the school for that year.
2351 (ii) The board may award a school a different amount in subsequent years.
2352 (4) An elementary school may participate in the program established under this section
2353 in accordance with State Board of Education rules, made in accordance with Title 63G,
2354 Chapter 3, Utah Administrative Rulemaking Act.
2355 (5) In selecting elementary schools to participate in the program, the board shall:
2356 (a) require a school in the first year the school participates in the program to provide
2357 matching funds or an in-kind contribution of goods or services in an amount equal to the grant
2358 the school receives from the board;
2359 (b) require a school to participate in the program for two years; and
2360 (c) give preference to Title I schools or schools in need of academic improvement.
2361 (6) The board shall make the following information related to the grants described in
2362 Subsection (3) publicly available on the board's website:
2363 (a) reimbursement procedures that clearly define how a school may spend grant money
2364 and how the board will reimburse the school;
2365 (b) the period of time a school is permitted to spend grant money;
2366 (c) criteria for selecting a school to receive a grant; and
2367 (d) a list of schools that receive a grant and the amount of each school's grant.
2368 (7) A school that receives a grant described in Subsection (3) shall:
2369 (a) (i) set school-wide goals for the school's student leadership skills development
2370 program; and
2371 (ii) require each student to set personal goals; and
2372 (b) provide the following to the board after the first school year of implementation of
2373 the program:
2374 (i) evidence that the grant money was used for the purpose of purchasing or developing
2375 the school's own student leadership skills development program; and
2376 (ii) a report on the effectiveness and impact of the school's student leadership skills
2377 development program on student behavior and academic results as measured by:

2378 (A) a reduction in truancy;
2379 (B) assessments of academic achievement;
2380 (C) a reduction in incidents of student misconduct or disciplinary actions; and
2381 (D) the achievement of school-wide goals and students' personal goals.
2382 (8) After participating in the program for two years, a school may not receive
2383 additional grant money in subsequent years if the school fails to demonstrate an improvement
2384 in student behavior and academic achievement as measured by the data reported under
2385 Subsection (7)(b).

2386 (9) (a) The board shall make a report on the program to the Education Interim
2387 Committee by the committee's October 2016 meeting.

2388 (b) The report shall include an evaluation of the program's success in enhancing a
2389 school's learning environment and improving academic achievement.

2390 Section 48. Section **53F-2-509**, which is renumbered from Section 53A-17a-170 is
2391 renumbered and amended to read:

2392 **[53A-17a-170]. 53F-2-509. Grants for field trips to the State Capitol.**

2393 (1) The State Board of Education may award grants to school districts and charter
2394 schools to take students on field trips to the State Capitol.

2395 (2) Grant money may be used to pay for transportation expenses related to a field trip
2396 to the State Capitol.

2397 (3) The State Board of Education shall make rules:

2398 (a) establishing procedures for applying for and awarding grants; and

2399 (b) specifying how grant money shall be allocated among school districts and charter
2400 schools.

2401 Section 49. Section **53F-2-510**, which is renumbered from Section 53A-1-1505 is
2402 renumbered and amended to read:

2403 **[53A-1-1505]. 53F-2-510. Digital Teaching and Learning Grant Program.**

2404 (1) As used in this section:

2405 (a) "Advisory committee" means the committee established by the board under
2406 Subsection (9)(b).

2407 (b) "Board" means the State Board of Education.

2408 (c) "Digital readiness assessment" means an assessment provided by the board that:

2409 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
2410 digital teaching and learning; and

2411 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
2412 teaching and learning.

2413 (d) "High quality professional learning" means the professional learning standards
2414 described in Section 53G-11-303.

2415 (e) "Implementation assessment" means an assessment that analyzes an LEA's
2416 implementation of an LEA plan, including identifying areas for improvement, obstacles to
2417 implementation, progress toward the achievement of stated goals, and recommendations going
2418 forward.

2419 (f) "LEA plan" means an LEA's plan to implement a digital teaching and learning
2420 program that meets the requirements of this section and requirements set forth by the board and
2421 the advisory committee.

2422 (g) "Local education agency" or "LEA" means:

2423 (i) a school district;

2424 (ii) a charter school; or

2425 (iii) the Utah Schools for the Deaf and the Blind.

2426 (h) "Program" means the Digital Teaching and Learning Grant Program created and
2427 described in Subsections (8) through (13).

2428 (i) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
2429 and Telehealth Network created in Section 53B-17-105.

2430 (2) (a) The board shall establish a digital teaching and learning task force to develop a
2431 funding proposal to present to the Legislature for digital teaching and learning in elementary
2432 and secondary schools.

2433 (b) The digital teaching and learning task force shall include representatives of:

2434 (i) the board;

2435 (ii) UETN;

2436 (iii) LEAs; and

2437 (iv) the Governor's Education Excellence Commission.

2438 (3) (a) The board, in consultation with the digital teaching and learning task force
2439 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and

2440 learning program designed to:
2441 (i) improve student outcomes through the use of digital teaching and learning
2442 technology; and
2443 (ii) provide high quality professional learning for educators to improve student
2444 outcomes through the use of digital teaching and learning technology.
2445 (b) The board shall:
2446 (i) identify outcome based metrics to measure student achievement related to a digital
2447 teaching and learning program; and
2448 (ii) develop minimum benchmark standards for student achievement and school level
2449 outcomes to measure successful implementation of a digital teaching and learning program.
2450 (4) As funding allows, the board shall develop a master plan for a statewide digital
2451 teaching and learning program, including the following:
2452 (a) a statement of purpose that describes the objectives or goals the board will
2453 accomplish by implementing a digital teaching and learning program;
2454 (b) a forecast for fundamental components needed to implement a digital teaching and
2455 learning program, including a forecast for:
2456 (i) student and teacher devices;
2457 (ii) Wi-Fi and wireless compatible technology;
2458 (iii) curriculum software;
2459 (iv) assessment solutions;
2460 (v) technical support;
2461 (vi) change management of LEAs;
2462 (vii) high quality professional learning;
2463 (viii) Internet delivery and capacity; and
2464 (ix) security and privacy of users;
2465 (c) a determination of the requirements for:
2466 (i) statewide technology infrastructure; and
2467 (ii) local LEA technology infrastructure;
2468 (d) standards for high quality professional learning related to implementing and
2469 maintaining a digital teaching and learning program;
2470 (e) a statewide technical support plan that will guide the implementation and

2471 maintenance of a digital teaching and learning program, including standards and competency
2472 requirements for technical support personnel;
2473 (f) (i) a grant program for LEAs; or
2474 (ii) a distribution formula to fund LEA digital teaching and learning programs;
2475 (g) in consultation with UETN, an inventory of the state public education system's
2476 current technology resources and other items and a plan to integrate those resources into a
2477 digital teaching and learning program;
2478 (h) an ongoing evaluation process that is overseen by the board;
2479 (i) proposed rules that incorporate the principles of the master plan into the state's
2480 public education system as a whole; and
2481 (j) a plan to ensure long-term sustainability that:
2482 (i) accounts for the financial impacts of a digital teaching and learning program; and
2483 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
2484 teaching and learning program.
2485 (5) UETN shall:
2486 (a) in consultation with the board, conduct an inventory of the state public education
2487 system's current technology resources and other items as determined by UETN, including
2488 software;
2489 (b) perform an engineering study to determine the technology infrastructure needs of
2490 the public education system to implement a digital teaching and learning program, including
2491 the infrastructure needed for the board, UETN, and LEAs; and
2492 (c) as funding allows, provide infrastructure and technology support for school districts
2493 and charter schools.
2494 (6) On or before December 1, 2015, the board and UETN shall present the funding
2495 proposal for a statewide digital teaching and learning program described in Subsection (3) to
2496 the Education Interim Committee and the Executive Appropriations Committee, including:
2497 (a) the board's progress on the development of a master plan described in Subsection
2498 (4); and
2499 (b) the progress of UETN on the inventory and study described in Subsection (5).
2500 (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
2501 within an LEA, shall annually complete a digital readiness assessment.

2502 ~~[(1)]~~ (8) There is created the Digital Teaching and Learning Grant Program to improve
2503 educational outcomes in public schools by effectively incorporating comprehensive digital
2504 teaching and learning technology.

2505 ~~[(2)]~~ (9) The board shall:

2506 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2507 adopt rules for the administration of the program, including rules requiring:

2508 (i) an LEA plan to include measures to ensure that the LEA monitors and implements
2509 technology with best practices, including the recommended use for effectiveness;

2510 (ii) an LEA plan to include robust goals for learning outcomes and appropriate
2511 measurements of goal achievement;

2512 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
2513 combination of grant and local funds; and

2514 (iv) an LEA to report on funds from expenses previous to the implementation of the
2515 LEA plan that the LEA has redirected after implementation;

2516 (b) establish an advisory committee to make recommendations on the program and
2517 LEA plan requirements and report to the board; and

2518 (c) in accordance with this ~~[part]~~ section, approve LEA plans and award grants.

2519 ~~[(3)]~~ (10) (a) The board shall, subject to legislative appropriations, award a grant to an
2520 LEA:

2521 (i) that submits an LEA plan that meets the requirements described in Subsection ~~[(4)]~~
2522 (11); and

2523 (ii) for which the LEA's leadership and management members have completed a digital
2524 teaching and learning leadership and implementation training as provided in Subsection ~~[(3)]~~
2525 (10)(b).

2526 (b) The board or its designee shall provide the training described in Subsection ~~[(3)]~~
2527 (10)(a)(ii).

2528 ~~[(4)]~~ (11) The board shall establish requirements of an LEA plan that shall include:

2529 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
2530 obstacle to implementation or other issues identified in the assessment;

2531 (b) a proposal to provide high quality professional learning for educators in the use of
2532 digital teaching and learning technology;

(c) a proposal for leadership training and management restructuring, if necessary, for successful implementation;

(d) clearly identified targets for improved student achievement, student learning, and college readiness through digital teaching and learning; and

(e) any other requirement established by the board in rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and metrics to analyze the quality of a proposed LEA plan.

~~[(5)]~~ (12) The board or the board's designee shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create customized reports.

~~[(6)]~~ (13) (a) There is no federal funding, federal requirement, federal education agreement, or national program included or related to this state adopted program.

(b) Any inclusion of federal funding, federal requirement, federal education agreement, or national program shall require separate express approval as provided in ~~[Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act]~~ Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(14) (a) An LEA that receives a grant as part of the program shall:

(i) subject to Subsection (14)(b), complete an implementation assessment for each year that the LEA is expending grant money; and

(ii) (A) report the findings of the implementation assessment to the board; and

(B) submit to the board a plan to resolve issues raised in the implementation assessment.

(b) Each school within the LEA shall:

(i) complete an implementation assessment; and

(ii) submit a compilation report that meets the requirements described in Subsections (14)(a)(ii)(A) and (B).

(15) The board or the board's designee shall review an implementation assessment and review each participating LEA's progress from the previous year, as applicable.

(16) The board shall establish interventions for an LEA that does not make progress on implementation of the LEA's implementation plan, including:

2564 (a) nonrenewal of, or time period extensions for, the LEA's grant;
2565 (b) reduction of funds; or
2566 (c) other interventions to assist the LEA.
2567 (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall
2568 contract with an independent evaluator to:
2569 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
2570 year that grants are awarded, including baseline data collection for long-term outcomes;
2571 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate
2572 statewide long-term outcomes; and
2573 (c) report on the information described in Subsections (17)(a) and (b) to the board.
2574 (18) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
2575 6a, Utah Procurement Code, or other agreement with one or more providers of technology
2576 powered learning solutions and one or more providers of wireless networking solutions may be
2577 entered into by:
2578 (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's
2579 designee, or an LEA; or
2580 (ii) an LEA.
2581 (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or
2582 agreement that:
2583 (i) UETN enters into with a provider and payment for services is directly appropriated
2584 by the Legislature, as funds are available, to UETN;
2585 (ii) UETN enters into with a provider and pays for the provider's services and is
2586 reimbursed for payments by an LEA that benefits from the services;
2587 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or
2588 agreement directly with the provider and the LEA pays directly for the provider's services; or
2589 (iv) an LEA enters into directly, pays a provider, and receives preapproved
2590 reimbursement from a UETN fund established for this purpose.
2591 (c) If an LEA does not reimburse UETN in a reasonable time for services received
2592 under a contract or agreement described in Subsection (18)(b), the board shall pay the balance
2593 due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding --
2594 Minimum School Program.

(d) If UETN negotiates or enters into an agreement as described in Subsection (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

Section 50. Section **53F-2-511**, which is renumbered from Section 53A-17a-174 is renumbered and amended to read:

[53A-17a-174]. 53F-2-511. Reimbursement Program for Early Graduation From Competency-Based Education.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Cohort" means a group of students, defined by the year in which the group enters grade 9.

(c) "Eligible LEA" means an LEA that has demonstrated to the board that the LEA or, for a school district, a school within the LEA, provides and facilitates competency-based education that:

(i) is based on the core principles described in Section [53A-15-1803] 53F-5-502; and

(ii) meets other criteria established by the board in rule.

(d) "Eligible student" means an individual who:

(i) attended an eligible LEA and graduated by completing graduation requirements, as described in Section [53A-13-108] 53E-4-204, earlier than that individual's cohort completed graduation requirements because of the individual's participation in the eligible LEA's competency-based education;

(ii) no longer attends the eligible LEA; and

(iii) is not included in the LEA's average daily membership under this chapter.

(e) "Local education agency" or "LEA" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(f) "Partial pupil" means if an eligible student attends less than a full year of

2626 membership, the number of days the student was in membership compared to a full
2627 membership year.

2628 (g) "Program" means the Reimbursement Program for Early Graduation From
2629 Competency-Based Education established in this section.

2630 (2) (a) There is established the Reimbursement Program for Early Graduation From
2631 Competency-Based Education.

2632 (b) Subject to future budget constraints, the Legislature may annually appropriate
2633 money to the Reimbursement Program for Early Graduation From Competency-Based
2634 Education.

2635 (3) An LEA may apply to the board to receive a reimbursement, as described in
2636 Subsection (5), for an eligible student.

2637 (4) The board shall approve a reimbursement to an LEA after the LEA demonstrates:

2638 (a) that the LEA is an eligible LEA; and

2639 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
2640 student.

2641 (5) (a) For each eligible student, the board shall only reimburse an eligible LEA:

2642 (i) if the eligible student attended the eligible LEA for less than a full school year
2643 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
2644 rated based on the difference between:

2645 (A) the number of days of partial pupil in average daily membership earned by the
2646 eligible LEA while the eligible student was still in attendance; and

2647 (B) a full pupil in average daily membership; and

2648 (ii) the value of one weighted pupil unit for each full school year the eligible student
2649 graduated ahead of the eligible student's cohort.

2650 (b) The board shall:

2651 (i) use data from the prior year average daily membership to determine the number of
2652 eligible students; and

2653 (ii) reimburse the eligible LEA in the current school year.

2654 (6) The board shall in accordance with Title 63G, Chapter 3, Utah Administrative
2655 Rulemaking Act, adopt rules to administer the provisions of this section.

2656 Section 51. Section **53F-2-512**, which is renumbered from Section 53A-17a-112.2 is

2657 renumbered and amended to read:

2658 ~~[53A-17a-112.2].~~ **53F-2-512.** **Appropriation for accommodation plans for**
2659 **students with Section 504 accommodations.**

2660 (1) As used in this section:

2661 (a) "Board" means the State Board of Education.

2662 (b) "Local education agency" or "LEA" means:

2663 (i) a school district;

2664 (ii) a charter school; or

2665 (iii) the Utah Schools for the Deaf and the Blind.

2666 (c) "Section 504 accommodation plan" means an accommodation plan under Section
2667 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

2668 (2) (a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
2669 Administrative Rulemaking Act, that establish a reimbursement program that:

2670 (i) distributes any money appropriated to the board for Special Education -- Section
2671 504 Accommodations;

2672 (ii) allows an LEA to apply for reimbursement of the costs of services that:

2673 (A) an LEA renders to a student with a Section 504 accommodation plan; and

2674 (B) exceed 150% of the average cost of a general education student; and

2675 (iii) provides for a pro-rated reimbursement based on the amount of reimbursement
2676 applications received during a given fiscal year and the amount of money appropriated to the
2677 board that fiscal year.

2678 (b) Beginning with the 2018-19 school year, the board shall allocate money
2679 appropriated to the board for Special Education -- Section 504 Accommodations in accordance
2680 with the rules described in Subsection (2)(a).

2681 (3) On or before January 30, 2018, the board shall report to the Public Education
2682 Appropriations Subcommittee:

2683 (a) information collected regarding the number of students who qualify for a Section
2684 504 accommodation plan; and

2685 (b) if available, the estimated financial impact of providing Section 504
2686 accommodation services to the number of students described in Subsection (3)(a).

2687 Section 52. Section **53F-2-513**, which is renumbered from Section 53A-17a-173 is

2688 renumbered and amended to read:

2689 ~~[53A-17a-173].~~ **53F-2-513. Effective Teachers in High Poverty Schools**

2690 **Incentive Program -- Salary bonus -- Evaluation.**

2691 (1) As used in this section:

2692 (a) "Board" means the State Board of Education.

2693 (b) "Cohort" means a group of students, defined by the year in which the group enters
2694 grade 1.

2695 (c) "Eligible teacher" means a teacher who:

2696 (i) is employed as a teacher in a high poverty school at the time the teacher is
2697 considered by the board for a salary bonus; and

2698 (ii) achieves a median growth percentile of 70 or higher:

2699 (A) a full school year before the school year the eligible teacher is being considered by
2700 the board for a salary bonus under this section, regardless of whether the teacher was employed
2701 the previous school year by a high poverty school or a different public school; and

2702 (B) while teaching at any public school in the state a course for which a standards
2703 assessment is administered as described in Section ~~[53A-1-604]~~ 53E-4-303.

2704 (d) "High poverty school" means a public school:

2705 (i) in which:

2706 (A) more than 20% of the enrolled students are classified as children affected by
2707 intergenerational poverty; or

2708 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

2709 (ii) (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for
2710 each school year since meeting that criteria at least 15% of the enrolled students at the public
2711 school have been classified as children affected by intergenerational poverty; or

2712 (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for
2713 each school year since meeting that criteria at least 60% of the enrolled students at the public
2714 school have qualified for free or reduced lunch.

2715 (e) "Intergenerational poverty" means the same as that term is defined in Section
2716 35A-9-102.

2717 (f) "Median growth percentile" means a number that describes the comparative
2718 effectiveness of a teacher in helping the teacher's students achieve growth in a year by

2719 identifying the median student growth percentile of all the students a teacher instructs.

2720 (g) "Program" means the Effective Teachers in High Poverty Schools Incentive
2721 Program created in Subsection (2).

2722 (h) "Student growth percentile" is a number that describes where a student ranks in
2723 comparison to the student's cohort.

2724 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to
2725 provide an annual salary bonus for an eligible teacher.

2726 (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
2727 Rulemaking Act, make rules for:

2728 (i) the administration of the program;

2729 (ii) payment of a salary bonus; and

2730 (iii) application requirements.

2731 (c) The board shall make an annual salary bonus payment in a fiscal year that begins on
2732 July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.

2733 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate
2734 money to fund the program.

2735 (b) Money appropriated for the program shall include money for the following
2736 employer-paid benefits:

2737 (i) social security; and

2738 (ii) Medicare.

2739 (4) (a) (i) A charter school or school district school shall annually apply to the board on
2740 behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year
2741 that the teacher is an eligible teacher.

2742 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
2743 increased annual salary bonus described in Subsection (4)(b).

2744 (b) The annual salary bonus for an eligible teacher is \$5,000.

2745 (c) A public school that applies on behalf of an eligible teacher under Subsection
2746 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
2747 teacher is awarded the salary bonus.

2748 (d) The board shall award a salary bonus to an eligible teacher based on the order that
2749 an application from a public school on behalf of the eligible teacher is received.

2750 (5) The board shall:

2751 (a) determine if a teacher is an eligible teacher; and

2752 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school

2753 district and school district administrators.

2754 (6) The board shall:

2755 (a) distribute money from the program to school districts and charter schools in

2756 accordance with this section and board rule; and

2757 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the

2758 salary bonus amount described in Subsection (4)(b).

2759 (7) Money received from the program shall be used by a school district or charter

2760 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for

2761 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection

2762 (3)(b).

2763 (8) (a) After the third year salary bonus payments are made, and each succeeding year,

2764 the board shall evaluate the extent to which a salary bonus described in this section improves

2765 recruitment and retention of effective teachers in high poverty schools by at least:

2766 (i) surveying teachers who receive the salary bonus; and

2767 (ii) examining turnover rates of teachers who receive the salary bonus compared to

2768 teachers who do not receive the salary bonus.

2769 (b) Each year that the board conducts an evaluation described in Subsection (8)(a), the

2770 board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation

2771 to the Education Interim Committee on or before November 30.

2772 (9) A public school shall annually notify a teacher:

2773 (a) of the teacher's median growth percentile; and

2774 (b) how the teacher's median growth percentile is calculated.

2775 (10) Notwithstanding this section, if the appropriation for the program is insufficient to

2776 cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

2777 Section 53. Section **53F-2-514**, which is renumbered from Section 53A-1a-601 is

2778 renumbered and amended to read:

2779 ~~[53A-1a-601].~~ **53F-2-514. Job enhancements for mathematics, science,**

2780 **technology, and special education training.**

2781 (1) As used in this [part] section, "special education teacher" includes occupational
2782 therapist.

2783 (2) The Public Education Job Enhancement Program is established to attract, train, and
2784 retain highly qualified:

2785 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
2786 science, learning technology, or information technology;

2787 (b) special education teachers; and

2788 (c) teachers in grades four through six with mathematics endorsements.

2789 (3) The program shall provide for the following:

2790 (a) application by a school district superintendent or the principal of a school on behalf
2791 of a qualified teacher;

2792 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
2793 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
2794 given to selected public school teachers on a competitive basis:

2795 (i) whose applications are approved; and

2796 (ii) who teach in the state's public education system for four years in the areas
2797 identified in Subsection (2);

2798 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
2799 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
2800 \$10,000 at the conclusion of the term;

2801 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
2802 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
2803 provided by rule of the State Board of Education in accordance with Title 63G, Chapter 3, Utah
2804 Administrative Rulemaking Act, unless waived for good cause by the State Board of
2805 Education; and

2806 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
2807 teaching term; and

2808 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
2809 providing institution to certify adequate performance in obtaining the master's degree,
2810 endorsement, or graduate education in order for the teacher to maintain the scholarship; and

2811 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails

to complete the authorized classes or program or to teach in the state system of public education in the areas identified in Subsection (2) for four years after obtaining the master's degree, the endorsement, or graduate education.

(4) An individual teaching in the public schools under a letter of authorization may participate in the cash award program if:

(a) the individual has taught under the letter of authorization for at least one year in the areas referred to in Subsection (2); and

(b) the application made under Subsection (3)(a) is based in large part upon the individual receiving a superior evaluation as a classroom teacher.

(5) (a) The program may provide for the expenditure of up to \$1,000,000 of available money, if at least an equal amount of matching money becomes available, to provide professional development training to superintendents, administrators, and principals in the effective use of technology in public schools.

(b) An award granted under this Subsection (5) shall be made in accordance with criteria developed and adopted by the State Board of Education and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may be expended, regardless of the matching money being available.

Section 54. Section **53F-2-515**, which is renumbered from Section 53A-17a-143 is renumbered and amended to read:

~~[53A-17a-143].~~ 53F-2-515. Federal Impact Aid Program -- Offset for underestimated allocations from the Federal Impact Aid Program.

(1) In addition to the revenues received from the levy imposed by a local school board and authorized by the Legislature under Section ~~[53A-17a-135]~~ 53F-2-301, the Legislature shall provide an amount equal to the difference between the school district's anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the amount the school district actually received from this source for the next preceding fiscal year.

(2) If at the end of a fiscal year the sum of the receipts of a school district from a distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the school district from the Federal Impact Aid Program for the next preceding fiscal year, the

excess funds are carried into the next succeeding fiscal year and become in that year a part of the school district's contribution to the school district's basic program for operation and maintenance under the state minimum school finance law.

(3) During the next succeeding fiscal year described in Subsection (2), the school district's required tax rate for the basic program shall be reduced so that the yield from the reduced tax rate plus the carryover funds equal the school district's required contribution to the school district's basic program.

(4) For the school district of a local school board that is required to reduce the school district's basic tax rate under this section, the school district shall receive state minimum school program funds as though the reduction in the tax rate had not been made.

Section 55. Section **53F-2-516**, which is renumbered from Section 53A-15-104 is renumbered and amended to read:

~~53A-15-104~~. 53F-2-516. Critical Languages Program -- Pilot.

(1) (a) As used in this section, "critical languages" means those languages described in the federal National Security Language Initiative, including Chinese, Arabic, Russian, Farsi, Hindi, and Korean.

(b) The Legislature recognizes:

(i) the importance of students acquiring skills in foreign languages in order for them to successfully compete in a global society; and

(ii) the academic, societal, and economic development benefits of the acquisition of critical languages.

(2) (a) The State Board of Education, in consultation with the Utah Education and Telehealth Network, shall develop and implement courses of study in the critical languages.

(b) A course may be taught:

(i) over the state's two-way interactive video conferencing system for video and audio, to students in the state's public education system;

(ii) through the Electronic High School;

(iii) through traditional instruction; or

(iv) by visiting guest teachers.

(3) (a) The courses authorized in Subsection (2) may use paraprofessionals in the classroom who:

2874 (i) are fluent in the critical language being taught; and
2875 (ii) can provide reinforcement and tutoring to students on days and at times when they
2876 are not receiving instruction under Subsection (2)(b).

2877 (b) The State Board of Education, through the state superintendent of public
2878 instruction, shall ensure that the paraprofessionals are fluent in the critical languages.

2879 (4) The State Board of Education shall make rules on the critical languages courses
2880 authorized under this section in accordance with Title 63G, Chapter 3, Utah Administrative
2881 Rulemaking Act, to include:

2882 (a) notification to school districts on the times and places of the course offerings; and

2883 (b) instructional materials for the courses.

2884 (5) The State Board of Education shall track and monitor the Critical Languages
2885 Program and may expand the program to include more course offerings and other critical
2886 languages, subject to student demand for the courses and available resources.

2887 (6) (a) Subject to funding for the program, the State Board of Education shall establish
2888 a pilot program for school districts and schools to initially participate in the Critical Languages
2889 Program that provides:

2890 (i) up to \$6,000 per language per school, for up to 60 schools, for courses offered in
2891 critical languages;

2892 (ii) up to \$100 per student who completes a critical languages course; and

2893 (iii) up to an additional \$400 per foreign exchange student who completes a critical
2894 languages course.

2895 (b) If the available funding is insufficient to provide the amounts described under
2896 Subsection (6)(a), the amounts provided shall be reduced pro rata so that the total provided
2897 does not exceed the available funding.

2898 Section 56. Section **53F-2-517**, which is renumbered from Section 53A-17a-124 is
2899 renumbered and amended to read:

2900 **~~[53A-17a-124].~~ 53F-2-517. Quality Teaching Block Grant Program -- State**
2901 **contributions.**

2902 (1) The State Board of Education shall distribute money appropriated for the Quality
2903 Teaching Block Grant Program to school districts and charter schools according to a formula
2904 adopted by the State Board of Education, after consultation with local education boards, that

2905 allocates the funding in a fair and equitable manner.

2906 (2) Local education boards shall use Quality Teaching Block Grant money to
2907 implement professional learning that meets the standards specified in Section [~~53A-3-701~~]
2908 53G-11-303.

2909 Section 57. Section **53F-2-518**, which is renumbered from Section 53A-17a-125 is
2910 renumbered and amended to read:

2911 ~~[53A-17a-125]~~. **53F-2-518. Appropriation for retirement and social security.**

2912 (1) The employee's retirement contribution shall be 1% for employees who are under
2913 the state's contributory retirement program.

2914 (2) The employer's contribution under the state's contributory retirement program is
2915 determined under Section 49-12-301, subject to the 1% contribution under Subsection (1).

2916 (3) (a) The employer-employee contribution rate for employees who are under the
2917 state's noncontributory retirement program is determined under Section 49-13-301.

2918 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate
2919 the appropriation for charter schools described under Subsection (5).

2920 (4) (a) Money appropriated to the State Board of Education for retirement and social
2921 security money shall be allocated to school districts and charter schools based on a school
2922 district's or charter school's total weighted pupil units compared to the total weighted pupil
2923 units for all school districts and charter schools in the state.

2924 (b) Subject to budget constraints, money needed to support retirement and social
2925 security shall be determined by taking a school district's or charter school's prior year allocation
2926 and adjusting it for:

2927 (i) student growth;

2928 (ii) the percentage increase in the value of the weighted pupil unit; and

2929 (iii) the effect of any change in the rates for retirement, social security, or both.

2930 (5) A charter school governing board that makes an election of nonparticipation in the
2931 Utah State Retirement Systems in accordance with Section [~~53A-1a-512~~] 53G-5-407 and Title
2932 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described under this
2933 section for retirement to provide the charter school's own compensation, benefit, and retirement
2934 programs.

2935 Section 58. Section **53F-2-601** is enacted to read:

Part 6. State Guarantee Funding**53F-2-601. Voted local levy state guarantee.**

(1) As used in this section, "voted and board local levy funding balance" means the difference between:

(a) the amount appropriated for the voted and board local levy program in a fiscal year;
and

(b) the amount necessary to provide the state guarantee per weighted pupil unit as determined under this section and Section 53F-2-602 in the same fiscal year.

(2) In addition to the revenue collected from the imposition of a levy pursuant to Section 53F-8-301, the state shall contribute an amount sufficient to guarantee \$35.55 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

(3) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar of taxable value under Subsection (2) shall apply to the portion of the board local levy authorized in Section 53F-8-302, so that the guarantee shall apply up to a total of .002 per dollar of taxable value if a local school board levies a tax rate under both programs.

(4) (a) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (2) and (3) shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12 program by making the value of the guarantee equal to .011962 times the value of the prior year's weighted pupil unit for the grades 1 through 12 program.

(b) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for the grades 1 through 12 program for each succeeding year subject to the Legislature appropriating funds for an increase in the guarantee.

(5) (a) The amount of state guarantee money to which a school district would otherwise be entitled to receive under this section may not be reduced for the sole reason that the school district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(b) Subsection (5)(a) applies for a period of five years following any such change in the certified tax rate.

(6) The guarantee provided under this section does not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal year, unless an increase in the voted local levy rate was authorized in an election conducted on

or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

(7) (a) If a voted and board local levy funding balance exists for the prior fiscal year, the State Board of Education shall:

(i) use the voted and board local levy funding balance to increase the value of the state guarantee per weighted pupil unit described in Subsection (4) in the current fiscal year; and

(ii) distribute the state contribution to the voted and board local levy programs to school districts based on the increased value of the state guarantee per weighted pupil unit described in Subsection (7)(a)(i).

(b) The State Board of Education shall report action taken under this Subsection (7) to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

Section 59. Section **53F-2-602** is enacted to read:

53F-2-602. Board local levy state guarantee.

(1) In addition to the revenue a school district collects from the imposition of a levy pursuant to Section 53F-8-302, the state shall contribute an amount sufficient to guarantee that each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state guarantee per weighted pupil unit described in Section 53F-2-601.

(2) (a) The amount of state guarantee money to which a school district would otherwise be entitled to under this section may not be reduced for the sole reason that the district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

(b) Subsection (2)(a) applies for a period of five years following any changes in the certified tax rate.

Section 60. Section **53F-2-701** is enacted to read:

Part 7. Charter School Funding

53F-2-701. Definitions.

The terms defined in Section 53G-5-102 apply to this part.

Section 61. Section **53F-2-702**, which is renumbered from Section 53A-1a-513 is renumbered and amended to read:

~~[53A-1a-513].~~ **53F-2-702. Funding for charter schools.**

~~[(1) As used in this section:]~~

2998 ~~[(a) "Basic program" means the same as that term is defined in Section 53A-17a-103;]~~
2999 ~~[(b) "Charter school students' average local revenues" means the amount determined as~~
3000 ~~follows:]~~
3001 ~~[(i) for each student enrolled in a charter school on the previous October 1, calculate~~
3002 ~~the district per pupil local revenues of the school district in which the student resides;]~~
3003 ~~[(ii) sum the district per pupil local revenues for each student enrolled in a charter~~
3004 ~~school on the previous October 1; and]~~
3005 ~~[(iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students~~
3006 ~~enrolled in charter schools on the previous October 1;]~~
3007 ~~[(c) "Charter school levy per pupil revenues" means the same as that term is defined in~~
3008 ~~Section 53A-1a-513.1;]~~
3009 ~~[(d) "District local property tax revenues" means the sum of a school district's revenue~~
3010 ~~received from the following:]~~
3011 ~~[(i) a voted local levy imposed under Section 53A-17a-133;]~~
3012 ~~[(ii) a board local levy imposed under Section 53A-17a-164, excluding revenues~~
3013 ~~expended for:]~~
3014 ~~[(A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar~~
3015 ~~of taxable value of the school district's board local levy; and]~~
3016 ~~[(B) the K-3 Reading Improvement Program, up to the amount of revenue generated by~~
3017 ~~a .000121 per dollar of taxable value of the school district's board local levy;]~~
3018 ~~[(iii) a capital local levy imposed under Section 53A-16-113; and]~~
3019 ~~[(iv) a guarantee described in Section 53A-17a-133, 53A-17a-164, 53A-21-202, or~~
3020 ~~53A-21-302;]~~
3021 ~~[(e) "District per pupil local revenues" means, using data from the most recently~~
3022 ~~published school district annual financial reports and state superintendent's annual report, an~~
3023 ~~amount equal to district local property tax revenues divided by the sum of:]~~
3024 ~~[(i) a school district's average daily membership; and]~~
3025 ~~[(ii) the average daily membership of a school district's resident students who attend~~
3026 ~~charter schools;]~~
3027 ~~[(f) "Resident student" means a student who is considered a resident of the school~~
3028 ~~district under Title 53A, Chapter 2, Part 2, District of Residency;]~~

~~[(g) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:]~~

~~[(i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and]~~

~~[(ii) divide the sum calculated under Subsection (1)(g)(i) by statewide school district average daily membership.]~~

~~[(2)] (1) (a) Charter schools shall receive funding as described in this section, except Subsections [(3)] (2) through [(7)] (6) do not apply to charter schools described in Subsection [(2)] (1)(b).~~

(b) Charter schools authorized by local school boards that are converted from district schools or operate in district facilities without paying reasonable rent shall receive funding as prescribed in Section ~~[53A-1a-515]~~ 53G-5-305.

~~[(3)-(a)] (2) Except as [provided in Subsections (3)(b) and (3)(c)]~~ described in Section 53F-2-302, a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.

~~[(b) For the 2015-16 school year, the number of weighted pupil units assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic School Program shall be:]~~

~~[(i) based on the higher of:]~~

~~[(A) October 1 enrollment in the current school year; or]~~

~~[(B) average daily membership in the prior school year plus growth as determined under Section 53A-17a-106; and]~~

~~[(ii) weighted as provided in Subsection (3)(c).]~~

~~[(c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:]~~

~~[(i) .55 for kindergarten pupils;]~~

~~[(ii) .9 for pupils in grades 1 through 6;]~~

~~[(iii) .99 for pupils in grades 7 through 8; and]~~

~~[(iv) 1.2 for pupils in grades 9 through 12.]~~

~~[(4)] (3) (a) As described in Section [53A-1a-513.1]~~ 53F-2-703, the State Board of Education shall distribute charter school levy per pupil revenues to charter schools.

(b) ~~[(i) Subject]~~ As described in Section 53F-2-704, and subject to future budget
constraints, the Legislature shall provide an appropriation for charter schools for each charter
school student enrolled on October 1 to supplement the allocation of charter school levy per
pupil revenues described in Subsection ~~[(4)]~~ (3)(a).

~~[(ii) Except as provided in Subsection (4)(b)(iii), the amount of money provided by the
state for a charter school student shall be the sum of:]~~

~~[(A) charter school students' average local revenues minus the charter school levy per
pupil revenues; and]~~

~~[(B) statewide average debt service revenues.]~~

~~[(iii) If the total of charter school levy per pupil revenues and the amount provided by
the state under Subsection (4)(b)(ii) is less than \$1,427, the state shall provide an additional
supplement so that a charter school receives at least \$1,427 per student under this Subsection
(4).]~~

~~[(iv) (A) If the appropriation provided under this Subsection (4)(b) is less than the
amount prescribed by Subsection (4)(b)(ii) or (4)(b)(iii), the appropriation shall be allocated
among charter schools in proportion to each charter school's enrollment as a percentage of the
total enrollment in charter schools.]~~

~~[(B) If the State Board of Education makes adjustments to Minimum School Program
allocations as provided under Section 53A-17a-105, the allocation provided in Subsection
(4)(b)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.]~~

~~[(c) (i) Of the money provided to a charter school under this Subsection (4), 10% shall
be expended for funding school facilities only.]~~

~~[(ii) Subsection (4)(c)(i) does not apply to an online charter school.]~~

~~[(d) This Subsection (4) is effective July 1, 2017.]~~

~~[(5)]~~ (4) Charter schools are eligible to receive federal funds if they meet all applicable
federal requirements and comply with relevant federal regulations.

~~[(6)]~~ (5) The State Board of Education shall distribute funds for charter school students
directly to the charter school.

~~[(7)]~~ (6) (a) Notwithstanding Subsection ~~[(3)]~~ (2), a charter school is not eligible to
receive state transportation funding.

(b) The board shall also adopt rules relating to the transportation of students to and

3091 from charter schools, taking into account Sections [~~53A-2-210 and 53A-17a-127~~] 53F-2-403
3092 and 53G-6-405.

3093 (c) The governing board of the charter school may provide transportation through an
3094 agreement or contract with the local school board, a private provider, or parents.

3095 [~~(8)~~] (7) (a) (i) In accordance with Section [~~53A-1a-513.5~~] 53F-2-705, the State
3096 Charter School Board may allocate grants for start-up costs to charter schools from money
3097 appropriated for charter school start-up costs.

3098 (ii) The governing board of a charter school that receives money from a grant under
3099 Section [~~53A-1a-513.5~~] 53F-2-705 shall use the grant for expenses for planning and
3100 implementation of the charter school.

3101 (b) The State Board of Education shall coordinate the distribution of federal money
3102 appropriated to help fund costs for establishing and maintaining charter schools within the
3103 state.

3104 [~~(9)~~] (8) (a) A charter school may receive, hold, manage and use any devise, bequest,
3105 grant, endowment, gift, or donation of any property made to the school for any of the purposes
3106 of [~~this part~~] Title 53G, Chapter 5, Charter Schools, or related provisions.

3107 (b) It is unlawful for any person affiliated with a charter school to demand or request
3108 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
3109 with the charter school as a condition for employment or enrollment at the school or continued
3110 attendance at the school.

3111 Section 62. Section **53F-2-703**, which is renumbered from Section 53A-1a-513.1 is
3112 renumbered and amended to read:

3113 [~~53A-1a-513.1~~]. **53F-2-703. Charter school levy.**

3114 (1) As used in this section:

3115 (a) "Board" means the State Board of Education.

3116 (b) "Charter School Levy Account" means the Charter School Levy Account created in
3117 Section [~~53A-1a-513.2~~] 53F-9-301.

3118 (c) "Charter school levy per district revenues" means the product of:

3119 (i) a school district's district per pupil local revenues; and

3120 (ii) the number of charter school students in the school district who are resident
3121 students.

3122 (d) "Charter school levy per pupil revenues" means an amount equal to the following:

3123 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary
3124 as described in Subsection (4); divided by

3125 (ii) the number of students enrolled in a charter school on October 1 of the prior school
3126 year.

3127 (e) "Charter school levy revenues" means the charter school levy revenues generated by
3128 a charter school levy rate described in Subsection (2)(b)(i).

3129 (f) "Charter school levy total local revenues" means the sum of charter school levy per
3130 district revenues for every school district in the state for the same given fiscal year.

3131 (g) "District per pupil local revenues" means the same as that term is defined in Section
3132 ~~[53A-1a-513]~~ 53F-2-704.

3133 (h) "Resident student" means the same as that term is defined in Section ~~[53A-1a-513]~~
3134 53F-2-704.

3135 (2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall
3136 annually impose a charter school levy as described in this Subsection (2).

3137 (b) (i) For each school district, before June 22, the State Tax Commission shall certify
3138 a rate for the charter school levy described in Subsection (2)(a) to generate an amount of
3139 revenue within a school district equal to 25% of the charter school levy per district revenues
3140 excluding the amount of revenues:

3141 (A) described in Subsection ~~[53A-1a-513(1)(d)(iv)]~~ 53F-2-704(1)(c)(iv); and

3142 (B) expended by the school district for recreational facilities and activities authorized
3143 under Title 11, Chapter 2, Playgrounds.

3144 (ii) To calculate a charter school levy rate for a school district, the State Tax
3145 Commission shall use the calculation method described in Subsection 59-2-924~~[(3)(c)(ii)]~~(4).

3146 (c) The charter school levy shall be separately stated on a tax notice.

3147 (3) (a) A county treasurer shall collect the charter school levy revenues for all school
3148 districts located within the county treasurer's county and remit the money monthly to the state
3149 treasurer.

3150 (b) The state treasurer shall deposit the charter school levy revenues received from a
3151 county treasurer into the Charter School Levy Account.

3152 (4) (a) For each charter school student, the board shall distribute the charter school per

3153 pupil levy revenues from the Charter School Levy Account to the student's charter school in
3154 accordance with this Subsection (4).

3155 (b) For a given fiscal year, if the actual charter school levy total local revenues are
3156 more than the estimated charter school levy total local revenues the board shall:

3157 (i) deduct the amount of revenue that exceeds the estimated charter school levy total
3158 local revenues from the actual charter school levy total local revenues; and

3159 (ii) use the remaining amount to calculate the charter school per pupil levy revenues.

3160 (c) For a given fiscal year, if the actual charter school total local revenues are less than
3161 the estimated charter school levy total local revenues, the board shall:

3162 (i) if sufficient funds are available in the Charter School Levy Account, add an amount
3163 of funds from the Charter School Levy Account to the charter school levy total local revenues
3164 to equal the estimated charter school levy total local revenues; and

3165 (ii) if sufficient funds are not available in the Charter School Levy Account, calculate
3166 the charter school per pupil levy revenues using the actual amount of the charter school levy
3167 total local revenues.

3168 Section 63. Section **53F-2-704** is enacted to read:

3169 **53F-2-704. Charter school levy state guarantee.**

3170 (1) As used in this section:

3171 (a) "Charter school levy per pupil revenues" means the same as that term is defined in
3172 Section 53F-2-703.

3173 (b) "Charter school students' average local revenues" means the amount determined as
3174 follows:

3175 (i) for each student enrolled in a charter school on the previous October 1, calculate the
3176 district per pupil local revenues of the school district in which the student resides;

3177 (ii) sum the district per pupil local revenues for each student enrolled in a charter
3178 school on the previous October 1; and

3179 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
3180 enrolled in charter schools on the previous October 1.

3181 (c) "District local property tax revenues" means the sum of a school district's revenue
3182 received from the following:

3183 (i) a voted local levy imposed under Section 53F-8-301;

3184 (ii) a board local levy imposed under Section 53F-8-302, excluding revenues expended
3185 for:

3186 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of
3187 taxable value of the school district's board local levy; and

3188 (B) the K-3 Reading Improvement Program, up to the amount of revenue generated by
3189 a .000121 per dollar of taxable value of the school district's board local levy;

3190 (iii) a capital local levy imposed under Section ~~[53A-16-113]~~ 53F-8-303; and

3191 (iv) a guarantee described in Section 53F-2-601, 53F-2-602, 53F-3-202, or 53F-3-203.

3192 (d) "District per pupil local revenues" means, using data from the most recently
3193 published school district annual financial reports and state superintendent's annual report, an
3194 amount equal to district local property tax revenues divided by the sum of:

3195 (i) a school district's average daily membership; and

3196 (ii) the average daily membership of a school district's resident students who attend
3197 charter schools.

3198 (e) "Resident student" means a student who is considered a resident of the school
3199 district under Title 53G, Chapter 6, Part 3, School District Residency.

3200 (f) "Statewide average debt service revenues" means the amount determined as
3201 follows, using data from the most recently published state superintendent's annual report:

3202 (i) sum the revenues of each school district from the debt service levy imposed under
3203 Section 11-14-310; and

3204 (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district
3205 average daily membership.

3206 (2) (a) Subject to future budget constraints, the Legislature shall provide an
3207 appropriation for charter schools for each charter school student enrolled on October 1 to
3208 supplement the allocation of charter school levy per pupil revenues described in Subsection
3209 53F-2-702(3)(a).

3210 (b) Except as provided in Subsection (2)(c), the amount of money provided by the state
3211 for a charter school student shall be the sum of:

3212 (i) charter school students' average local revenues minus the charter school levy per
3213 pupil revenues; and

3214 (ii) statewide average debt service revenues.

(c) If the total of charter school levy per pupil revenues distributed by the State Board of Education and the amount provided by the state under Subsection (2)(b) is less than \$1,427, the state shall provide an additional supplement so that a charter school receives at least \$1,427 per student under Subsection 53F-2-702(3).

(d) (i) If the appropriation provided under this Subsection (2) is less than the amount prescribed by Subsection (2)(b) or (c), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

(ii) If the State Board of Education makes adjustments to Minimum School Program allocations as provided under Section 53F-2-205, the allocation provided in Subsection (2)(d)(i) shall be determined after adjustments are made under Section 53F-2-205.

(3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter school under Subsection 53F-2-702(3), 10% shall be expended for funding school facilities only.

(b) Subsection (3)(a) does not apply to an online charter school.

Section 64. Section **53F-2-705**, which is renumbered from Section 53A-1a-513.5 is renumbered and amended to read:

[53A-1a-513.5]. 53F-2-705. Grants for charter school start-up costs.

(1) (a) The State Charter School Board shall use money appropriated for charter school start-up costs to provide grants to charter schools to pay for expenses for the planning and implementation of a charter school.

(b) The State Charter School Board:

(i) may use up to 8% of the money appropriated for charter school start-up costs for financial monitoring of new charter schools and to provide professional development or technical assistance for governing board members and staff of new charter schools; and

(ii) in accordance with rules adopted by the State Board of Education, may use up to \$200,000 of the money appropriated for charter school start-up costs for a mentoring program for new and existing charter schools.

(2) The amount of a grant for charter school start-up costs shall be based on the authorized enrollment of the charter school.

(3) The State Board of Education shall make rules consistent with this section

3246 specifying:

3247 (a) procedures for applying for and awarding grants for charter school start-up costs;

3248 (b) permitted uses of grant money; and

3249 (c) requirements for a charter school to submit the following to the State Charter

3250 School Board:

3251 (i) a budget for the grant money; and

3252 (ii) a final report on the expenditure of the grant money.

3253 (4) The State Board of Education shall make rules establishing a mentoring program

3254 for new and existing charter schools.

3255 Section 65. Section **53F-3-101** is enacted to read:

3256 **CHAPTER 3. STATE FUNDING -- CAPITAL OUTLAY PROGRAMS**

3257 **Part 1. General Provisions**

3258 **53F-3-101. Title.**

3259 This chapter is known as "State Funding -- Capital Outlay Programs."

3260 Section 66. Section **53F-3-102**, which is renumbered from Section 53A-21-101.5 is

3261 renumbered and amended to read:

3262 **[53A-21-101.5]. 53F-3-102. Definitions.**

3263 As used in this chapter:

3264 (1) "ADM" or "pupil in average daily membership" is as defined in Section

3265 [53A-17a-103] 53F-2-102.

3266 (2) "Base tax effort rate" means the average of:

3267 (a) the highest combined capital levy rate; and

3268 (b) the average combined capital levy rate for the school districts statewide.

3269 (3) "Combined capital levy rate" means a rate that includes the sum of the following

3270 property tax levies:

3271 (a) (i) the capital outlay levy authorized in Section [53A-16-107] 53F-8-401;

3272 (ii) the portion of the 10% of basic levy described in Section [53A-17a-145] 53F-8-405

3273 that is budgeted for debt service or capital outlay;

3274 (iii) the debt service levy authorized in Section 11-14-310; and

3275 (iv) the voted capital outlay leeway authorized in Section [53A-16-110] 53F-8-402; or

3276 (b) (i) the capital local levy authorized in Section [53A-16-113] 53F-8-303; and

(ii) the debt service levy authorized in Section 11-14-310.

(4) "Derived net taxable value" means the quotient of:

(a) the total property tax collections from April 1 through the following March 31 for a school district for the calendar year preceding the March 31 date; divided by

(b) the school district's total tax rate for the calendar year preceding the March 31 referenced in Subsection (4)(a).

(5) "Highest combined capital levy rate" means the highest combined capital levy rate imposed by a school district within the state for a fiscal year.

(6) "Property tax base per ADM" means the quotient of:

(a) a school district's derived net taxable value; divided by

(b) the school district's ADM.

(7) "Property tax yield per ADM" means:

(a) the product of:

(i) a school district's derived net taxable value; and

(ii) the base tax effort rate; divided by

(b) the school district's ADM.

(8) "Statewide average property tax base per ADM" means the quotient of:

(a) the sum of all school districts' derived net taxable value; divided by

(b) the sum of all school districts' ADM.

Section 67. Section **53F-3-201**, which is renumbered from Section 53A-21-102 is renumbered and amended to read:

Part 2. Capital Outlay Programs

~~[53A-21-102].~~ **53F-3-201. Capital outlay programs -- Use of funds.**

A school district may only use the money provided under this chapter for school district capital outlay and debt service purposes.

Section 68. Section **53F-3-202**, which is renumbered from Section 53A-21-202 is renumbered and amended to read:

~~[53A-21-202].~~ **53F-3-202. Capital Outlay Foundation Program created -- Distribution formulas -- Allocations.**

(1) As used in this section:

(a) "Foundation guarantee level per ADM" means a minimum revenue amount per

3308 ADM generated by the base tax effort rate, including the following:

3309 (i) the revenue generated locally from a school district's combined capital levy rate; and

3310 (ii) the revenue allocated to a school district by the State Board of Education in

3311 accordance with Section 53F-3-202.

3312 (b) "Qualifying school district" means a school district with a property tax yield per

3313 ADM less than the foundation guarantee level per ADM.

3314 (c) "Small school district" means a school district that has fewer than 1,000 pupils in

3315 average daily membership.

3316 (2) There is created the Capital Outlay Foundation Program to provide capital outlay

3317 funding to a school district based on a district's local property tax effort and property tax yield

3318 per student compared to a foundation guarantee funding level.

3319 ~~[(+)]~~ (3) (a) The State Board of Education shall determine the foundation guarantee

3320 level per ADM that fully allocates the funds appropriated to the State Board of Education for

3321 distribution under this section.

3322 (b) In determining the foundation guarantee level per ADM and a school district's

3323 allocation of funds under this ~~[part]~~ section, the State Board of Education shall use data from

3324 the fiscal year that is two years prior to the fiscal year the school district receives the allocation,

3325 including the:

3326 (i) number of pupils in average daily membership;

3327 (ii) tax rates; and

3328 (iii) derived net taxable value.

3329 ~~[(2)]~~ (4) By June 1, a county treasurer shall report to the State Board of Education the

3330 actual collections of property taxes in the school districts located within the county treasurer's

3331 county for the period beginning April 1 through the following March 31 immediately preceding

3332 that June 1.

3333 ~~[(3)]~~ (5) If a qualifying school district imposes a combined capital levy rate that is

3334 greater than or equal to the base tax effort rate, the State Board of Education shall allocate to

3335 the qualifying school district an amount equal to the product of the following:

3336 (a) the qualifying school district's ADM; and

3337 (b) an amount equal to the difference between the following:

3338 (i) the foundation guarantee level per ADM, as determined in accordance with

3339 Subsection ~~[(1)]~~ (3); and
3340 (ii) the qualifying school district's property tax yield per ADM.
3341 ~~[(4)]~~ (6) If a qualifying school district imposes a combined capital levy rate less than
3342 the base tax effort rate, the State Board of Education shall allocate to the qualifying school
3343 district an amount equal to the product of the following:
3344 (a) the qualifying school district's ADM;
3345 (b) an amount equal to the difference between the following:
3346 (i) the foundation guarantee level per ADM; and
3347 (ii) the qualifying school district's property tax yield per ADM; and
3348 (c) a percentage equal to:
3349 (i) the qualifying school district's combined capital levy rate; divided by
3350 (ii) the base tax effort rate.
3351 ~~[(5)]~~ (7) (a) The State Board of Education shall allocate:
3352 (i) a minimum of \$200,000 to each small school district with a property tax base per
3353 ADM less than or equal to the statewide average property tax base per ADM;
3354 (ii) a minimum of \$100,000 to each small school district with a property tax base per
3355 ADM that is:
3356 (A) greater than the statewide average property tax base per ADM; and
3357 (B) less than or equal to two times the statewide average property tax base per ADM;
3358 and
3359 (iii) a minimum of \$50,000 to each small school district with a property tax base per
3360 ADM that is:
3361 (A) greater than two times the statewide average property tax base per ADM; and
3362 (B) less than or equal to five times the statewide average property tax base per ADM.
3363 (b) The State Board of Education shall incorporate the minimum allocations described
3364 in Subsection ~~[(5)]~~ (7)(a) in its calculation of the foundation guarantee level per ADM
3365 determined in accordance with Subsection ~~[(1)]~~ (3).
3366 Section 69. Section **53F-3-203**, which is renumbered from Section 53A-21-302 is
3367 renumbered and amended to read:
3368 ~~[53A-21-302]~~. **53F-3-203. Capital Outlay Enrollment Growth Program**
3369 **created -- Distribution formulas -- Allocations.**

3370 (1) As used in this section:
 3371 (a) "Average annual net enrollment increase" means the quotient of:
 3372 (i) (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus
 3373 (B) enrollment in the year four years prior, based on October 1 enrollment counts;
 3374 divided by
 3375 (ii) three.
 3376 (b) "Eligible district" or "eligible school district" means a school district that:
 3377 (i) has an average annual net enrollment increase; and
 3378 (ii) has a property tax base per ADM in the year two years prior that is less than two
 3379 times the statewide average property tax base per ADM in the year two years prior.
 3380 (2) There is created the Capital Outlay Enrollment Growth Program to provide capital
 3381 outlay funding to school districts experiencing net enrollment increases.
 3382 ~~[(1)]~~ (3) For fiscal years beginning on or after July 1, 2008, the State Board of
 3383 Education shall annually allocate appropriated funds to eligible school districts in accordance
 3384 with Subsection ~~[(2)]~~ (4).
 3385 ~~[(2)]~~ (4) The State Board of Education shall allocate to an eligible school district an
 3386 amount equal to the product of:
 3387 (a) the quotient of:
 3388 (i) the eligible school district's average annual net enrollment increase; divided by
 3389 (ii) the sum of the average annual net enrollment increase in all eligible school
 3390 districts; and
 3391 (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in
 3392 that fiscal year.
 3393 Section 70. Section **53F-3-204** is enacted to read:
 3394 **53F-3-204. School Building Revolving Account.**
 3395 The School Building Revolving Account is created as described in Section 53F-9-206,
 3396 to provide short-term help to school districts to meet district needs for school building
 3397 construction and renovation.

3398 Section 71. Section **53F-4-101** is enacted to read:

3399 **CHAPTER 4. STATE FUNDING -- CONTRACTED INITIATIVES**

3400 **Part 1. General Provisions**

53F-4-101. Title.

This chapter is known as "State Funding -- Contracted Initiatives."

Section 72. Section **53F-4-102** is enacted to read:

53F-4-102. Definitions.

Reserved

Section 73. Section **53F-4-201**, which is renumbered from Section 53A-1-606.7 is renumbered and amended to read:

Part 2. Contracts

~~[53A-1-606.7].~~ **53F-4-201. State Board of Education required to contract for a diagnostic assessment system for reading.**

(1) (a) As described in Section 53E-4-307, the State Board of Education shall approve a benchmark assessment for use statewide by school districts and charter schools.

~~[(+)]~~ (b) The State Board of Education shall contract with one or more educational technology providers, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of this section.

(2) Subject to legislative appropriations, a diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use a diagnostic assessment for reading beginning in the 2011-12 school year.

(3) A diagnostic assessment system for reading for students in kindergarten through grade three shall:

(a) be in a digital format;

(b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;

(c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;

(d) align with the language arts core standards for Utah public schools adopted by the State Board of Education; and

(e) include a data analysis component hosted by the provider that:

(i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;

3432 (ii) may have the capability of identifying lesson plans that may be used to develop
3433 reading skills;

3434 (iii) enables teachers, administrators, and designated supervisors to access reports
3435 through a secured password system;

3436 (iv) produces electronic printable reports for parents and administrators; and

3437 (v) has the capability for principals to monitor usage by teachers.

3438 Section 74. Section **53F-4-202**, which is renumbered from Section 53A-1-613 is
3439 renumbered and amended to read:

3440 **[53A-1-613]. 53F-4-202. College readiness diagnostic tool.**

3441 (1) The board shall contract with a provider, selected through a request for proposals
3442 process, to provide an online college readiness diagnostic tool that is aligned with the college
3443 readiness assessment [~~that is most commonly submitted to local universities~~] described in
3444 Section 53E-4-305.

3445 (2) An online test preparation program described in Subsection (1):

3446 (a) (i) shall allow a student to independently access online materials and learn at the
3447 student's own pace; and

3448 (ii) may be used to provide classroom and teacher-assisted instruction;

3449 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
3450 an approach that is engaging to high school students;

3451 (c) shall enable electronic reporting of student progress to administrators, teachers,
3452 parents, and other facilitators;

3453 (d) shall record a student's progress in an online dashboard that provides diagnostic
3454 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

3455 (e) shall provide training and professional development to personnel in school districts
3456 and charter schools on how to utilize the online test preparation program and provide
3457 teacher-assisted instruction to students.

3458 (3) The board, school districts, and charter schools shall make the online test
3459 preparation program available to a student:

3460 (a) beginning in the 2013-14 school year; and

3461 (b) for at least one full year.

3462 Section 75. Section **53F-4-203** is enacted to read:

53F-4-203. Early intervention interactive reading software -- Independent evaluator.

(1) In addition to an enhanced kindergarten program described in Section 53F-2-507, the early intervention program includes a component to address early reading through the use of early interactive reading software.

(2) (a) Subject to legislative appropriations, the State Board of Education shall select and contract with one or more technology providers, through a request for proposals process, to provide early interactive reading software for literacy instruction and assessments for students in kindergarten through grade 3.

(b) By August 1 of each year, the State Board of Education shall distribute licenses for early interactive reading software described in Subsection (2)(a) to the school districts and charter schools of local education boards that apply for the licenses.

(c) Except as provided in Subsection (3)(c), a school district or charter school that received a license described in Subsection (2)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.

(d) Licenses distributed to school districts and charter schools in addition to the licenses described in Subsection (2)(c) shall be distributed through a competitive process.

(3) (a) As used in this Subsection (3), "dosage" means amount of instructional time.

(b) A public school that receives a license described in Subsection (2)(b) shall use the license:

(i) for a student in kindergarten or grade 1:

(A) for intervention for the student if the student is reading below grade level; or

(B) for advancement beyond grade level for the student if the student is reading at or above grade level;

(ii) for a student in grade 2 or 3, for intervention for the student if the student is reading below grade level; and

(iii) in accordance with the technology provider's dosage recommendations.

(c) A public school that does not use the early interactive reading software in accordance with the technology provider's dosage recommendations for two consecutive years may not continue to receive a license.

(4) (a) On or before August 1 of each year, the State Board of Education shall select

3494 and contract with an independent evaluator, through a request for proposals process, to act as
 3495 an independent contractor to evaluate early interactive reading software provided under this
 3496 section.

3497 (b) The State Board of Education shall ensure that a contract with an independent
 3498 evaluator requires the independent evaluator to:

3499 (i) evaluate a student's learning gains as a result of using early interactive reading
 3500 software provided under Subsection (2);

3501 (ii) for the evaluation under Subsection (4)(b)(i), use an assessment that is not
 3502 developed by a provider of early interactive reading software; and

3503 (iii) determine the extent to which a public school uses the early interactive reading
 3504 software in accordance with a technology provider's dosage recommendations under
 3505 Subsection (3).

3506 (c) The State Board of Education and the independent evaluator selected under
 3507 Subsection (4)(a) shall report annually on the results of the evaluation to the Education Interim
 3508 Committee and the governor.

3509 (d) The State Board of Education may use up to 4% of the appropriation provided
 3510 under Subsection (2)(a) to contract with an independent evaluator selected under Subsection
 3511 (4)(a).

3512 Section 76. Section **53F-4-204**, which is renumbered from Section 53A-1-415 is
 3513 renumbered and amended to read:

3514 **[53A-1-415].** **53F-4-204. Student intervention early warning pilot**
 3515 **program.**

3516 (1) As used in this section:

3517 (a) "Board" means the State Board of Education.

3518 (b) "Digital program" means a program that provides information for student early
 3519 intervention as described in this section.

3520 (c) "Local education agency" or "LEA" means:

3521 (i) a district school;

3522 (ii) a charter school; or

3523 (iii) the Utah Schools for the Deaf and the Blind.

3524 (d) "Online data reporting tool" means a system described in Section [53A-1-605]

3525 53E-4-311.

3526 (2) (a) The board shall, subject to legislative appropriations:

3527 (i) enhance the online data reporting tool and provide additional formative actionable
3528 data on student outcomes subject to Subsection (2)(c); and

3529 (ii) select through a competitive contract process a provider to provide to an LEA a
3530 digital program as described in this section.

3531 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot
3532 program.

3533 (c) Information collected or used by the board for purposes of enhancing the online
3534 data reporting tool in accordance with this section may not identify a student individually.

3535 (3) The enhancement to the online data reporting tool and the digital program shall:

3536 (a) be designed with a user-appropriate interface for use by teachers, school
3537 administrators, and parents;

3538 (b) provide reports on a student's results at the student level on:

3539 (i) a national assessment;

3540 (ii) a local assessment; and

3541 (iii) a standards assessment described in Section [~~53A-1-604~~] 53E-4-303;

3542 (c) have the ability to provide data from aggregate student reports based on a student's:

3543 (i) teacher;

3544 (ii) school;

3545 (iii) school district, if applicable; or

3546 (iv) ethnicity;

3547 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
3548 a single computer screen;

3549 (e) have the ability to compare the performance of students, for each teacher, based on
3550 a student's:

3551 (i) gender;

3552 (ii) special needs, including primary exceptionality;

3553 (iii) English proficiency;

3554 (iv) economic status;

3555 (v) migrant status;

3556 (vi) ethnicity;
3557 (vii) response to tiered intervention;
3558 (viii) response to tiered-intervention enrollment date;
3559 (ix) absence rate;
3560 (x) feeder school;
3561 (xi) type of school, including primary or secondary, public or private, Title I, or other
3562 general school-type category;
3563 (xii) course failures; and
3564 (xiii) other criteria, as determined by the board; and
3565 (f) have the ability to load data from a local, national, or other assessment in the data's
3566 original format within a reasonable time.

3567 (4) Subject to legislative appropriations, the online data reporting tool and digital
3568 program shall:

3569 (a) integrate criteria for early warning indicators, including the following criteria:

3570 (i) discipline;

3571 (ii) attendance;

3572 (iii) behavior;

3573 (iv) course failures; and

3574 (v) other criteria as determined by a local school board or charter school governing
3575 board; and

3576 (b) provide a teacher or administrator the ability to view the early warning indicators
3577 described in Subsection (4)(a) with a student's assessment results described in Subsection
3578 (3)(b).

3579 (5) Subject to legislative appropriations, the online data reporting tool and the digital
3580 program shall:

3581 (a) provide data on response to intervention using existing assessments or measures
3582 that are manually added, including assessment and nonacademic measures;

3583 (b) provide a user the ability to share interventions within a reporting environment and
3584 add comments to inform other teachers, administrators, and parents or guardians;

3585 (c) save and share reports among different teachers and school administrators, subject
3586 to the student population information a teacher or administrator has the rights to access;

(d) automatically flag a student profile when early warning thresholds are met so that a teacher can easily identify a student who may be in need of intervention;

(e) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;

(f) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;

(g) have the ability to generate student parent or guardian communication to alert the parent or guardian of academic plans or interventions; and

(h) configure alerts based upon student academic results, including a student's performance on the previous year standards assessment described in Section ~~53A-1-604~~ 53E-4-303.

(6) (a) The board shall, subject to legislative appropriations, select an LEA to receive access to a digital program through a provider described in Subsection (2)(a)(ii).

(b) An LEA that receives access to a digital program shall pay for 50% of the cost of the digital program.

(c) An LEA that receives access to a digital program shall no later than one school year after accessing a digital program report to the board in a format required by the board on the effectiveness of the digital program, positive and negative attributes of the digital program, recommendations for improving the online data reporting tool, and any other information regarding a digital program requested by the board.

(d) The board shall consider recommendations from an LEA for changes to the online data reporting tool.

(7) Information described in this section shall be used in accordance with and provided subject to:

~~[(a) Chapter 1, Part 14, Student Data Protection Act;]~~

~~[(b) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act; and]~~

(a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

~~[(c)]~~ (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

Section 77. Section **53F-4-205**, which is renumbered from Section 53A-15-2003 is renumbered and amended to read:

~~[53A-15-2003].~~ **53F-4-205. Kindergarten supplemental enrichment program.**

- 3618 (1) As used in this section:
- 3619 (a) "Board" means the State Board of Education.
- 3620 (b) "Eligible school" means a charter or school district school in which:
- 3621 (i) at least 10% of the students experience intergenerational poverty; or
- 3622 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
- 3623 school year.
- 3624 (c) "Intergenerational poverty" means the same as that term is defined in Section
- 3625 35A-9-102.
- 3626 (d) "Kindergarten supplemental enrichment program" means a program to improve the
- 3627 academic competency of kindergarten students that:
- 3628 (i) meets the criteria described in Subsection (4);
- 3629 (ii) receives funding from a grant program described in Subsection (3); and
- 3630 (iii) is administered by an eligible school.
- 3631 ~~[(+)]~~ (2) (a) In accordance with this section, the board shall distribute funds
- 3632 appropriated under this section to support kindergarten supplemental enrichment programs,
- 3633 giving priority first to awarding funds to an eligible school with at least 10% of the students
- 3634 experiencing intergenerational poverty and second priority to an eligible school in which 50%
- 3635 of students were eligible to receive free or reduced lunch in the previous school year.
- 3636 (b) The board shall develop kindergarten entry and exit assessments for use by a
- 3637 kindergarten supplemental enrichment program.
- 3638 ~~[(+)]~~ (3) (a) The board shall administer a qualifying grant program as described in this
- 3639 Subsection ~~[(+)]~~ (3) to distribute funds described in Subsection ~~[(+)]~~ (2)(a) to an eligible
- 3640 school:
- 3641 (i) that applies for a grant;
- 3642 (ii) that offers a kindergarten supplemental enrichment program that meets the
- 3643 requirements described in Subsection ~~[(+)]~~ (4);
- 3644 (iii) that has an overall need for a kindergarten supplemental enrichment program,
- 3645 based on the results of the eligible school's kindergarten entry and exit assessments described
- 3646 in Subsection ~~[(+)]~~ (4)(b)(ii);
- 3647 (iv) if the eligible school has previously established a kindergarten supplemental
- 3648 enrichment program under this section, that shows success of the eligible school's kindergarten

supplemental enrichment program, based on the results of the eligible school's kindergarten entry and exit assessments described in Subsection ~~[(3)]~~ (4)(b)(ii); and

(v) that proposes a kindergarten supplemental enrichment program that addresses the particular needs of students at risk of experiencing intergenerational poverty.

(b) An eligible school shall include in a grant application a letter from the principal of the eligible school certifying that the eligible school's proposed kindergarten supplemental enrichment program will meet the needs of either children in intergenerational poverty or children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

~~[(3)]~~ (4) An eligible school that receives a grant as described in Subsection ~~[(2)]~~ (3) shall:

(a) use the grant money to offer a kindergarten supplemental enrichment program to:

(i) target kindergarten students at risk for not meeting grade 3 core standards for Utah public schools, established by the board under Section ~~[53A-1-402.6]~~ 53E-4-202, by the end of each student's grade 3 year;

(ii) use an evidence-based early intervention model;

(iii) focus on academically improving age-appropriate literacy and numeracy skills;

(iv) emphasize the use of live instruction;

(v) administer the kindergarten entry and exit assessments described in Subsection ~~[(1)(c)]~~ (2)(b); and

(vi) deliver the kindergarten supplemental enrichment program through additional hours or other means; and

(b) report to the board annually regarding:

(i) how the eligible school used grant money received under Subsection ~~[(2)]~~ (3);

(ii) the results of the eligible school's kindergarten entry and exit assessments for the prior year;

(iii) with assistance from board employees, the number of students served, including the number of students who are eligible for free or reduced lunch; and

(iv) with assistance from board employees, student performance outcomes achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated by economic and ethnic subgroups.

~~[(4)]~~ (5) An eligible school that receives a grant as described in Subsection ~~[(2)]~~ (3)

3680 may not receive funds appropriated under Section [~~53A-17a-167~~] 53F-2-507.

3681 [~~(5)~~] (6) A parent or legal guardian may decline participation of the parent or legal
3682 guardian's kindergarten student in an eligible school's kindergarten supplemental enrichment
3683 program.

3684 [~~(6)~~] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3685 Act, the board shall make rules to establish reporting procedures and administer this section.

3686 Section 78. Section **53F-4-206**, which is renumbered from Section 53A-1a-110 is
3687 renumbered and amended to read:

3688 [~~53A-1a-110~~]. **53F-4-206. Computer program for students with autism and**
3689 **other special needs.**

3690 (1) As used in this section, "board" means the State Board of Education.

3691 (2) To improve social skills and student achievement for students with autism and
3692 other special needs in pre-school through grade 2, the board shall contract with a provider,
3693 selected through a request for proposals process, to provide computer software programs and
3694 activity manuals.

3695 (3) In evaluating proposals submitted under Subsection (2), the board shall:

3696 (a) ensure that the board's evaluation criteria weighs heavily the proposer's ability and
3697 experience to provide computer software programs and activity manuals to improve social
3698 skills and student achievement for students with autism and other special needs in pre-school
3699 through grade 2;

3700 (b) consider, in evaluating the proposer's ability and experience, any quantitative and
3701 evaluative results from field testing, state tests, and other standardized achievement tests;

3702 (c) ensure that the board's evaluation criteria weighs heavily the proposer's ability to:

3703 (i) collect data from each computer using the computer software, regardless of where
3704 the computer is located;

3705 (ii) provide students access to the proposer's program from any computer with internet
3706 access;

3707 (iii) enable reporting of student progress to administrators, teachers, parents, and other
3708 facilitators; and

3709 (iv) record a student's progress in the computer software; and

3710 (d) consider the extent to which the computer software program uses engaging

animation to teach students.

(4) The board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Section 79. Section **53F-4-301**, which is renumbered from Section 53A-1a-703 is renumbered and amended to read:

Part 3. Carson Smith Scholarship Program

~~[53A-1a-703].~~ **53F-4-301. Definitions.**

As used in this part:

(1) "Assessment team" means a team consisting of:

(a) the student's parent or guardian;

(b) the student's private school classroom teacher;

(c) special education personnel from the student's school district; and

(d) if available, special education personnel from the private school at which the student is enrolled.

(2) "Board" means the State Board of Education.

(3) "Eligible private school" means a private school that meets the requirements of Section ~~[53A-1a-705]~~ **53F-4-303**.

(4) "Individualized Education Program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(5) "Local Education Agency" or "LEA" means:

(a) a school district; or

(b) a charter school.

(6) "Preschool" means an education program for a student who:

(a) is age three, four, or five; and

(b) has not entered kindergarten.

(7) "Scholarship student" means a student who receives a scholarship under this part.

(8) "Value of the weighted pupil unit" means the amount established each year in statute that is multiplied by the number of weighted pupil units to yield the funding level for

3742 the basic state-supported school program.

3743 Section 80. Section **53F-4-301.5**, which is renumbered from Section 53A-1a-702 is
3744 renumbered and amended to read:

3745 ~~[53A-1a-702].~~ **53F-4-301.5. Findings and purpose.**

3746 The Legislature finds that:

3747 (1) the state system of public education as established and maintained under the state
3748 constitution shall be open to all children of the state;

3749 (2) students with disabilities have special needs that merit educational alternatives
3750 which will allow students to learn in an appropriate setting and manner;

3751 (3) those needs may include teachers trained in special teaching methods, small class
3752 sizes, and special materials, equipment, and classroom environments;

3753 (4) parents are best equipped to make decisions for their children, including the
3754 educational setting that will best serve the interests and educational needs of their children;

3755 (5) the establishment of this scholarship program is justified on the basis of funding the
3756 special needs of students with disabilities as with other programs similarly funded by the state
3757 for people with disabilities;

3758 (6) children, parents, and families are the primary beneficiaries of the scholarship
3759 program authorized in this part and any benefit to private schools, sectarian or otherwise, is
3760 purely incidental;

3761 (7) the scholarship program authorized in this part is:

3762 (a) enacted for the valid secular purpose of tailoring a student's education to that
3763 student's specific needs;

3764 (b) neutral with respect to religion;

3765 (c) provides limited assistance to citizens who are then able to direct their resources to
3766 religious and secular schools solely as a result of their genuine and independent private
3767 choices; and

3768 (d) in accordance with the best interests of the taxpayers and citizens of the state to
3769 encourage educational opportunities; and

3770 (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax
3771 credits for any other students, with or without disabilities.

3772 Section 81. Section **53F-4-302**, which is renumbered from Section 53A-1a-704 is

3773 renumbered and amended to read:

3774 ~~[53A-1a-704].~~ **53F-4-302. Scholarship program created -- Qualifications.**

3775 (1) The Carson Smith Scholarship Program is created to award scholarships to students
3776 with disabilities to attend a private school.

3777 (2) To qualify for a scholarship:

3778 (a) the student's custodial parent or legal guardian shall reside within Utah;

3779 (b) the student shall have one or more of the following disabilities:

3780 (i) an intellectual disability;

3781 (ii) deafness or being hard of hearing;

3782 (iii) a speech or language impairment;

3783 (iv) a visual impairment;

3784 (v) a serious emotional disturbance;

3785 (vi) an orthopedic impairment;

3786 (vii) autism;

3787 (viii) traumatic brain injury;

3788 (ix) other health impairment;

3789 (x) specific learning disabilities; or

3790 (xi) a developmental delay, provided the student is at least three years of age, pursuant
3791 to Subsection (2)(c), and is younger than eight years of age;

3792 (c) the student shall be at least three years of age before September 2 of the year in
3793 which admission to a private school is sought and under 19 years of age on the last day of the
3794 school year as determined by the private school, or, if the individual has not graduated from
3795 high school, will be under 22 years of age on the last day of the school year as determined by
3796 the private school; and

3797 (d) except as provided in Subsection (3), the student shall:

3798 (i) be enrolled in a Utah public school in the school year prior to the school year the
3799 student will be enrolled in a private school;

3800 (ii) have an IEP; and

3801 (iii) have obtained acceptance for admission to an eligible private school.

3802 (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:

3803 (a) the student is enrolled or has obtained acceptance for admission to an eligible

3804 private school that has previously served students with disabilities; and

3805 (b) an assessment team is able to readily determine with reasonable certainty:

3806 (i) that the student has a disability listed in Subsection (2)(b) and would qualify for
3807 special education services, if enrolled in a public school; and

3808 (ii) for the purpose of establishing the scholarship amount, the appropriate level of
3809 special education services which should be provided to the student.

3810 (4) (a) To receive a full-year scholarship under this part, a parent of a student shall
3811 submit to the LEA where the student is enrolled an application on or before the August 15
3812 immediately preceding the first day of the school year for which the student would receive the
3813 scholarship.

3814 (b) The board may waive the full-year scholarship deadline described in Subsection
3815 (4)(a).

3816 (c) An application for a scholarship shall contain an acknowledgment by the parent that
3817 the selected school is qualified and capable of providing the level of special education services
3818 required for the student.

3819 (5) (a) The scholarship application form shall contain the following statement:

3820 "I acknowledge that:

3821 (1) A private school may not provide the same level of special education services that
3822 are provided in a public school;

3823 (2) I will assume full financial responsibility for the education of my scholarship
3824 student if I accept this scholarship;

3825 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent
3826 to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
3827 U.S.C. Sec. 1400 et seq.; and

3828 (4) My child may return to a public school at any time."

3829 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility
3830 for the education of the scholarship student.

3831 (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to
3832 services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
3833 U.S.C. Sec. 1400 et seq.

3834 (d) The creation of the scholarship program or granting of a scholarship does not:

(i) imply that a public school did not provide a free and appropriate public education for a student; or

(ii) constitute a waiver or admission by the state.

(6) (a) A scholarship shall remain in force for three years.

(b) A scholarship shall be extended for an additional three years, if:

(i) the student is evaluated by an assessment team; and

(ii) the assessment team determines that the student would qualify for special education services, if enrolled in a public school.

(c) The assessment team shall determine the appropriate level of special education services which should be provided to the student for the purpose of setting the scholarship amount.

(d) A scholarship shall be extended for successive three-year periods as provided in Subsections (6)(a) and (b):

(i) until the student graduates from high school; or

(ii) if the student does not graduate from high school, until the student is age 22.

(7) A student's parent, at any time, may remove the student from a private school and place the student in another eligible private school and retain the scholarship.

(8) A scholarship student may not participate in a dual enrollment program pursuant to Section ~~[53A-11-102.5]~~ 53G-6-702.

(9) The parents or guardians of a scholarship student have the authority to choose the private school that will best serve the interests and educational needs of that student, which may be a sectarian or nonsectarian school, and to direct the scholarship resources available for that student solely as a result of their genuine and independent private choices.

(10) (a) An LEA shall notify in writing the parents or guardians of students enrolled in the LEA who have an IEP of the availability of a scholarship to attend a private school through the Carson Smith Scholarship Program.

(b) The notice described under Subsection (10)(a) shall:

(i) be provided no later than 30 days after the student initially qualifies for an IEP;

(ii) be provided annually no later than February 1 to all students who have an IEP; and

(iii) include the address of the Internet website maintained by the board that provides prospective applicants with detailed program information and application forms for the Carson

3866 Smith Scholarship Program.

3867 (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall
3868 post the address of the Internet website maintained by the board that provides prospective
3869 applicants with detailed program information and application forms for the Carson Smith
3870 Scholarship Program on the LEA's or school's website, if the LEA or school has one.

3871 Section 82. Section **53F-4-303**, which is renumbered from Section 53A-1a-705 is
3872 renumbered and amended to read:

3873 **[53A-1a-705]. 53F-4-303. Eligible private schools.**

3874 (1) To be eligible to enroll a scholarship student, a private school shall:

3875 (a) have a physical location in Utah where the scholarship students attend classes and
3876 have direct contact with the school's teachers;

3877 (b) (i) (A) obtain an audit and report from a licensed independent certified public
3878 accountant that conforms with the following requirements:

3879 (I) the audit shall be performed in accordance with generally accepted auditing
3880 standards;

3881 (II) the financial statements shall be presented in accordance with generally accepted
3882 accounting principles; and

3883 (III) the audited financial statements shall be as of a period within the last 12 months;
3884 or

3885 (B) contract with a licensed independent certified public accountant to perform an
3886 agreed upon procedure as follows:

3887 (I) the agreed upon procedure shall be to determine that the private school has adequate
3888 working capital to maintain operations for the first full year; and

3889 (II) working capital shall be calculated by subtracting current liabilities from current
3890 assets; and

3891 (ii) submit the audit report or report of the agreed upon procedure to the board when
3892 the private school applies to accept scholarship students;

3893 (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;

3894 (d) meet state and local health and safety laws and codes;

3895 (e) disclose to the parent of each prospective student, before the student is enrolled, the
3896 special education services that will be provided to the student, including the cost of those

3897 services;

3898 (f) (i) administer an annual assessment of each scholarship student's academic

3899 progress;

3900 (ii) report the results of the assessment to the student's parent; and

3901 (iii) make the results available to the assessment team evaluating the student pursuant

3902 to Subsection [~~53A-1a-704~~] 53F-4-302(6);

3903 (g) employ or contract with teachers who:

3904 (i) hold baccalaureate or higher degrees;

3905 (ii) have at least three years of teaching experience in public or private schools; or

3906 (iii) have the necessary special skills, knowledge, or expertise that qualifies them to

3907 provide instruction:

3908 (A) in the subjects taught; and

3909 (B) to the special needs students taught;

3910 (h) require the following individuals to submit to a nationwide, fingerprint-based

3911 criminal background check and ongoing monitoring, in accordance with Section

3912 [~~53A-15-1503~~] 53G-11-402, as a condition for employment or appointment, as authorized by

3913 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248:

3914 (i) an employee who does not hold a current Utah educator license issued by the board

3915 under [~~Title 53A, Chapter 6, Educator Licensing and Professional Practices Act~~] Title 53E,

3916 Chapter 6, Education Professional Licensure;

3917 (ii) a contract employee; and

3918 (iii) a volunteer who is given significant unsupervised access to a student in connection

3919 with the volunteer's assignment; and

3920 (i) provide to parents the relevant credentials of the teachers who will be teaching their

3921 students.

3922 (2) A private school is not eligible to enroll scholarship students if:

3923 (a) the audit report submitted under Subsection (1)(b) contains a going concern

3924 explanatory paragraph; or

3925 (b) the report of the agreed upon procedure submitted under Subsection (1)(b) shows

3926 that the private school does not have adequate working capital to maintain operations for the

3927 first full year, as determined under Subsection (1)(b).

3928 (3) A home school is not eligible to enroll scholarship students.

3929 (4) Residential treatment facilities licensed by the state are not eligible to enroll
3930 scholarship students.

3931 (5) A private school intending to enroll scholarship students shall submit an application
3932 to the board by May 1 of the school year preceding the school year in which it intends to enroll
3933 scholarship students.

3934 (6) The board shall:

3935 (a) approve a private school's application to enroll scholarship students, if the private
3936 school meets the eligibility requirements of this section; and

3937 (b) make available to the public a list of the eligible private schools.

3938 (7) An approved eligible private school that changes ownership shall submit a new
3939 application to the board and demonstrate that it continues to meet the eligibility requirements
3940 of this section.

3941 Section 83. Section **53F-4-304**, which is renumbered from Section 53A-1a-706 is
3942 renumbered and amended to read:

3943 **~~[53A-1a-706].~~ 53F-4-304. Scholarship payments.**

3944 (1) (a) Scholarships shall be awarded by the board subject to the availability of money
3945 appropriated by the Legislature for that purpose.

3946 (b) The Legislature shall annually appropriate money to the board from the General
3947 Fund to make scholarship payments.

3948 (c) Beginning with the 2013-14 school year, the Legislature shall annually increase the
3949 amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:

3950 (i) the average scholarship amount awarded as of December 1 in the previous year; and

3951 (ii) the product of:

3952 (A) the number of students in preschool through grade 12 in public schools statewide
3953 who have an IEP on December 1 of the previous year; and

3954 (B) 0.0007.

3955 (d) If the number of scholarship students as of December 1 in any school year equals or
3956 exceeds 7% of the number of students in preschool through grade 12 in public schools
3957 statewide who have an IEP as of December 1 in the same school year, the Public Education
3958 Appropriations Subcommittee shall study the requirement to increase appropriations for

3959 scholarship payments as provided in this section.

3960 (e) (i) If money is not available to pay for all scholarships requested, the scholarships
3961 shall be allocated on a random basis except that preference shall be given to students who
3962 received scholarships in the previous school year.

3963 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
3964 new scholarships may not be awarded during that school year and the money available for
3965 scholarships shall be prorated among the eligible students who received scholarships in the
3966 previous year.

3967 (2) Full-year scholarships shall be awarded in the following amounts:

3968 (a) for a student who received an average of 180 minutes per day or more of special
3969 education services in a public school before transferring to a private school, an amount not to
3970 exceed the lesser of:

3971 (i) the value of the weighted pupil unit multiplied by 2.5; or

3972 (ii) the private school tuition and fees; and

3973 (b) for a student who received an average of less than 180 minutes per day of special
3974 education services in a public school before transferring to a private school, an amount not to
3975 exceed the lesser of:

3976 (i) the value of the weighted pupil unit multiplied by 1.5; or

3977 (ii) the private school tuition and fees.

3978 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
3979 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

3980 (4) (a) The scholarship amount for a student who receives a waiver under Subsection
3981 ~~[53A-1a-704]~~ 53F-4-302(3) shall be based upon the assessment team's determination of the
3982 appropriate level of special education services to be provided to the student.

3983 (b) (i) If the student requires an average of 180 minutes per day or more of special
3984 education services, a full-year scholarship shall be equal to the amount specified in Subsection
3985 (2)(a).

3986 (ii) If the student requires less than an average of 180 minutes per day of special
3987 education services, a full-year scholarship shall be equal to the amount specified in Subsection
3988 (2)(b).

3989 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,

3990 a full-year scholarship is equal to the amount specified in Subsection (3).

3991 (5) (a) Except as provided in Subsection (5)(b), upon review and receipt of
3992 documentation that verifies a student's admission to, or continuing enrollment and attendance
3993 at, a private school, the board shall make scholarship payments quarterly in four equal amounts
3994 in each school year in which a scholarship is in force.

3995 (b) In accordance with board rule, the board may make a scholarship payment before
3996 the first quarterly payment of the school year, if a private school requires partial payment of
3997 tuition before the start of the school year to reserve space for a student admitted to the school.

3998 (6) A parent of a scholarship student shall notify the board if the student does not have
3999 continuing enrollment and attendance at an eligible private school.

4000 (7) Before scholarship payments are made, the board shall cross-check enrollment lists
4001 of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are
4002 not erroneously made.

4003 (8) (a) Scholarship payments shall be made by the board by individual warrant made
4004 payable to the student's parent and mailed by the board to the private school. The parent shall
4005 restrictively endorse the warrant to the private school for deposit into the account of the private
4006 school.

4007 (b) A person, on behalf of a private school, may not accept a power of attorney from a
4008 parent to sign a warrant referred to in Subsection (8)(a), and a parent of a scholarship student
4009 may not give a power of attorney designating a person, on behalf of a private school, as the
4010 parent's attorney-in-fact.

4011 Section 84. Section **53F-4-305**, which is renumbered from Section 53A-1a-707 is
4012 renumbered and amended to read:

4013 ~~[53A-1a-707].~~ **53F-4-305. Board to make rules.**

4014 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4015 board shall make rules consistent with this part establishing:

- 4016 (1) the eligibility of students to participate in the scholarship program; and
4017 (2) the application process for the scholarship program.

4018 Section 85. Section **53F-4-306**, which is renumbered from Section 53A-1a-708 is
4019 renumbered and amended to read:

4020 ~~[53A-1a-708].~~ **53F-4-306. Enforcement and penalties.**

(1) (a) The board shall require a private school to submit a signed affidavit assuring the private school will comply with the requirements of this part.

(b) If a school fails to submit a signed affidavit within 30 days of receiving notification that the school is an approved private school to receive the Carson Smith Scholarship, the board may:

(i) deny the private school permission to enroll scholarship students; and

(ii) interrupt disbursement of or withhold scholarship payments.

(2) The board may investigate complaints and convene administrative hearings for an alleged violation of this part.

(3) Upon a finding that this part was violated, the board may:

(a) deny a private school permission to enroll scholarship students;

(b) interrupt disbursement of or withhold scholarship payments; or

(c) issue an order for repayment of scholarship payments fraudulently obtained.

Section 86. Section **53F-4-307**, which is renumbered from Section 53A-1a-709 is renumbered and amended to read:

~~[53A-1a-709].~~ 53F-4-307. Limitation on regulation of private schools.

Nothing in this part grants additional authority to any state agency or LEA to regulate private schools except as expressly set forth in this part.

Section 87. Section **53F-4-308**, which is renumbered from Section 53A-1a-710 is renumbered and amended to read:

~~[53A-1a-710].~~ 53F-4-308. Review by Legislative Auditor General.

The Legislative Auditor General shall conduct a review and issue a report on the Carson Smith Scholarship Program after the conclusion of the 2006-07 school year.

Section 88. Section **53F-4-401**, which is renumbered from Section 53A-1a-1001 is renumbered and amended to read:

Part 4. UPSTART

~~[53A-1a-1001].~~ 53F-4-401. Definitions.

As used in this part:

(1) "Contractor" means the educational technology provider selected by the State Board of Education under Section ~~[53A-1a-1002]~~ 53F-4-402.

(2) "Low income" means an income below 185% of the federal poverty guideline.

(3) "Preschool children" means children who are:

(a) age four or five; and

(b) have not entered kindergarten.

(4) "UPSTART" means the project established by Section ~~[53A-1a-1002]~~ 53F-4-402 that uses a home-based educational technology program to develop school readiness skills of preschool children.

Section 89. Section **53F-4-402**, which is renumbered from Section 53A-1a-1002 is renumbered and amended to read:

~~[53A-1a-1002].~~ 53F-4-402. UPSTART program to develop school readiness skills of preschool children.

(1) UPSTART, a project that uses a home-based educational technology program to develop school readiness skills of preschool children, is established within the public education system.

(2) UPSTART is created to:

(a) evaluate the effectiveness of giving preschool children access, at home, to interactive individualized instruction delivered by computers and the Internet to prepare them academically for success in school; and

(b) test the feasibility of scaling a home-based curriculum in reading, math, and science delivered by computers and the Internet to all preschool children in Utah.

(3) (a) The State Board of Education shall contract with an educational technology provider, selected through a request for proposals process, for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).

(b) (i) The State Board of Education shall, on or before July 1, 2019, issue a request for proposals for two-year pilot proposals from one or more educational technology providers that do not have an existing contract under this part with the state for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).

(ii) After the two-year pilots described in Subsection (3)(b)(i), the State Board of Education may enter into a contract with one or more educational technology providers that have participated in a Utah pilot.

(c) Every five years after July 1, 2021, the State Board of Education may issue a new request for proposals described in this section.

(4) A home-based educational technology program for preschool children shall meet the following standards:

(a) the contractor shall provide computer-assisted instruction for preschool children on a home computer connected by the Internet to a centralized file storage facility;

(b) the contractor shall:

(i) provide technical support to families for the installation and operation of the instructional software; and

(ii) provide for the installation of computer and Internet access in homes of low income families that cannot afford the equipment and service;

(c) the contractor shall have the capability of doing the following through the Internet:

(i) communicating with parents;

(ii) updating the instructional software;

(iii) validating user access;

(iv) collecting usage data;

(v) storing research data; and

(vi) producing reports for parents, schools, and the Legislature;

(d) the program shall include the following components:

(i) computer-assisted, individualized instruction in reading, mathematics, and science;

(ii) a multisensory reading tutoring program; and

(iii) a validated computer adaptive reading test that does not require the presence of trained adults to administer and is an accurate indicator of reading readiness of children who cannot read;

(e) the contractor shall have the capability to quickly and efficiently modify, improve, and support the product;

(f) the contractor shall work in cooperation with school district personnel who will provide administrative and technical support of the program as provided in Section

~~[53A-1a-1003]~~ 53F-4-403;

(g) the contractor shall solicit families to participate in the program as provided in Section ~~[53A-1a-1004]~~ 53F-4-404; and

4114 (h) in implementing the home-based educational technology program, the contractor
4115 shall seek the advise and expertise of early childhood education professionals within the Utah
4116 System of Higher Education on issues such as:

- 4117 (i) soliciting families to participate in the program;
- 4118 (ii) providing training to families; and
- 4119 (iii) motivating families to regularly use the instructional software.

4120 (5) (a) The contract shall provide funding for a home-based educational technology
4121 program for preschool children, subject to the appropriation of money by the Legislature for
4122 UPSTART.

4123 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall
4124 be separate from an appropriation described in Subsection (5)(a).

4125 (6) The State Board of Education shall evaluate a proposal based on:

4126 (a) whether the home-based educational technology program meets the standards
4127 specified in Subsection (4);

4128 (b) the results of an independent evaluation of the home-based educational technology
4129 program;

4130 (c) the experience of the home-based educational technology program provider; and

4131 (d) the per pupil cost of the home-based educational technology program.

4132 Section 90. Section **53F-4-403**, which is renumbered from Section 53A-1a-1003 is
4133 renumbered and amended to read:

4134 ~~**[53A-1a-1003].**~~ **53F-4-403. School district participation in UPSTART.**

4135 (1) A school district may participate in UPSTART if the local school board agrees to
4136 work in cooperation with the contractor to provide administrative and technical support for
4137 UPSTART.

4138 (2) Family participants in UPSTART shall be solicited from school districts that
4139 participate in UPSTART.

4140 (3) A school district that participates in UPSTART shall:

4141 (a) receive funding for:

4142 (i) paraprofessional and technical support staff; and

4143 (ii) travel, materials, and meeting costs of the program;

4144 (b) participate in program training by the contractor; and

(c) agree to adopt standardized policies and procedures in implementing UPSTART.

Section 91. Section **53F-4-404**, which is renumbered from Section 53A-1a-1004 is renumbered and amended to read:

~~[53A-1a-1004].~~ 53F-4-404. Family participation in UPSTART -- Low income family verification.

(1) The contractor shall:

(a) solicit families to participate in UPSTART through a public information campaign and referrals from participating school districts; and

(b) work with the Department of Workforce Services and the State Board of Education to solicit participation from families of children experiencing intergenerational poverty, as defined in Section 35A-9-102, to participate in UPSTART.

(2) (a) Preschool children who participate in UPSTART shall:

(i) be from families with diverse socioeconomic and ethnic backgrounds;

(ii) reside in different regions of the state in both urban and rural areas; and

(iii) be given preference to participate if the preschool child's family resides in a rural area with limited prekindergarten services.

(b) (i) If the number of families who would like to participate in UPSTART exceeds the number of participants funded by the legislative appropriation, the contractor shall give priority to preschool children from low income families and preschool children who are English language learners.

(ii) At least 30% of the preschool children who participate in UPSTART shall be from low income families.

(3) A low income family that cannot afford a computer and Internet service to operate the instructional software may obtain a computer and peripheral equipment on loan and receive free Internet service for the duration of the family's participation in UPSTART.

(4) (a) The contractor shall make the home-based educational technology program available to families at a cost agreed upon by the State Board of Education and the contractor if the number of families who would like to participate in UPSTART exceeds the number of participants funded by the legislative appropriation.

(b) The State Board of Education and the contractor shall annually post on their websites information on purchasing a home-based educational technology program as provided

4176 in Subsection (4)(a).

4177 (5) (a) The contractor shall:

4178 (i) determine if a family is a low income family for purposes of this part; and

4179 (ii) use the same application form as described in Section 35A-9-401 or create an

4180 application form that requires an individual to provide and certify the information necessary for

4181 the contractor to make the determination described in Subsection (5)(a)(i).

4182 (b) The contractor may:

4183 (i) require an individual to submit supporting documentation; and

4184 (ii) create a deadline for an individual to submit an application, if necessary.

4185 Section 92. Section **53F-4-405**, which is renumbered from Section 53A-1a-1005 is

4186 renumbered and amended to read:

4187 **~~[53A-1a-1005].~~ 53F-4-405. Purchase of equipment and service through**
4188 **cooperative purchasing contracts.**

4189 The State Board of Education or a school district may purchase computers, peripheral

4190 equipment, and Internet service for low income families who cannot afford them through

4191 cooperative purchasing contracts administered by the state Division of Purchasing and General

4192 Services.

4193 Section 93. Section **53F-4-406**, which is renumbered from Section 53A-1a-1006 is

4194 renumbered and amended to read:

4195 **~~[53A-1a-1006].~~ 53F-4-406. Audit and evaluation.**

4196 (1) The state auditor shall:

4197 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or

4198 (b) contract with an independent certified public accountant to conduct an annual audit.

4199 (2) The State Board of Education shall:

4200 (a) require by contract that the contractor will open its books and records relating to its

4201 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

4202 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

4203 (c) contract with an independent, qualified evaluator, selected through a request for

4204 proposals process, to evaluate the home-based educational technology program for preschool

4205 children.

4206 (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used

4207 to provide computers, peripheral equipment, and Internet service to families, no more than
4208 7.5% may be used for the evaluation of the program.

4209 Section 94. Section **53F-4-407**, which is renumbered from Section 53A-1a-1007 is
4210 renumbered and amended to read:

4211 ~~[53A-1a-1007].~~ **53F-4-407. Annual report.**

4212 (1) The State Board of Education shall make a report on UPSTART to the Education
4213 Interim Committee by November 30 each year.

4214 (2) The report shall:

4215 (a) address the extent to which UPSTART is accomplishing the purposes for which it
4216 was established as specified in Section ~~[53A-1a-1002]~~ 53F-4-402; and

4217 (b) include the following information:

4218 (i) the number of families:

4219 (A) volunteering to participate in the program;

4220 (B) selected to participate in the program;

4221 (C) requesting computers; and

4222 (D) furnished computers;

4223 (ii) the frequency of use of the instructional software;

4224 (iii) obstacles encountered with software usage, hardware, or providing technical
4225 assistance to families;

4226 (iv) student performance on pre-kindergarten and post-kindergarten assessments

4227 conducted by school districts and charter schools for students who participated in the

4228 home-based educational technology program and those who did not participate in the program;

4229 and

4230 (v) as available, the evaluation of the program conducted pursuant to Section

4231 ~~[53A-1a-1006]~~ 53F-4-406.

4232 Section 95. Section **53F-4-501**, which is renumbered from Section 53A-15-1202 is
4233 renumbered and amended to read:

4234 **Part 5. Statewide Online Education Program**

4235 ~~[53A-15-1202].~~ **53F-4-501. Definitions.**

4236 As used in this part:

4237 (1) "District school" means a public school under the control of a local school board

4238 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
4239 Boards.

4240 (2) "Eligible student" means:

4241 (a) a student enrolled in a district school or charter school in Utah; or

4242 (b) beginning on July 1, 2013, a student:

4243 (i) who attends a private school or home school; and

4244 (ii) whose custodial parent or legal guardian is a resident of Utah.

4245 (3) "LEA" means a local education agency in Utah that has administrative control and
4246 direction for public education.

4247 (4) "Online course" means a course of instruction offered by the Statewide Online
4248 Education Program through the use of digital technology.

4249 (5) "Plan for college and career readiness" means the same as that term is defined in
4250 Section 53E-2-304.

4251 [~~(5)~~] (6) "Primary LEA of enrollment" means the LEA in which an eligible student is
4252 enrolled for courses other than online courses offered through the Statewide Online Education
4253 Program.

4254 [~~(6)~~] (7) "Released-time" means a period of time during the regular school day a
4255 student is excused from school at the request of the student's parent or guardian pursuant to
4256 rules of the State Board of Education.

4257 Section 96. Section **53F-4-502**, which is renumbered from Section 53A-15-1203 is
4258 renumbered and amended to read:

4259 **[53A-15-1203]. 53F-4-502. Statewide Online Education Program created --**
4260 **Designated as program of the public education system -- Purposes.**

4261 (1) The Statewide Online Education Program is created to enable an eligible student to
4262 earn high school graduation credit through the completion of publicly funded online courses.

4263 (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online
4264 Education Program is designated as a program of the public education system.

4265 (3) The purposes of an online school are to:

4266 (a) provide a student with access to online learning options regardless of where the
4267 student attends school, whether a public, private, or home school;

4268 (b) provide high quality learning options for a student regardless of language,

4269 residence, family income, or special needs;

4270 (c) provide online learning options to allow a student to acquire the knowledge and
4271 technology skills necessary in a digital world;

4272 (d) utilize the power and scalability of technology to customize education so that a
4273 student may learn in the student's own style preference and at the student's own pace;

4274 (e) utilize technology to remove the constraints of traditional classroom learning,
4275 allowing a student to access learning virtually at any time and in any place and giving the
4276 student the flexibility to take advantage of the student's peak learning time;

4277 (f) provide personalized learning, where a student can spend as little or as much time
4278 as the student needs to master the material;

4279 (g) provide greater access to self-paced programs enabling a high achieving student to
4280 accelerate academically, while a struggling student may have additional time and help to gain
4281 competency;

4282 (h) allow a student to customize the student's schedule to better meet the student's
4283 academic goals;

4284 (i) provide quality learning options to better prepare a student for post-secondary
4285 education and vocational or career opportunities; and

4286 (j) allow a student to have an individualized educational experience.

4287 (4) The program created under this part shall be known as the "Statewide Online
4288 Education Program."

4289 (5) The program name, "Statewide Online Education Program," shall be used in the
4290 dissemination of information on the program.

4291 Section 97. Section **53F-4-503**, which is renumbered from Section 53A-15-1204 is
4292 renumbered and amended to read:

4293 **[53A-15-1204]. 53F-4-503. Option to enroll in online courses offered**
4294 **through the Statewide Online Education Program.**

4295 (1) Subject to the course limitations provided in Subsection (2), an eligible student may
4296 enroll in an online course offered through the Statewide Online Education Program if:

4297 (a) the student meets the course prerequisites;

4298 (b) the course is open for enrollment;

4299 (c) the online course is aligned with the student's plan for college and career readiness;

4300 (d) the online course is consistent with the student's individual education plan (IEP), if
4301 the student has an IEP; and

4302 (e) the online course is consistent with the student's international baccalaureate
4303 program, if the student is participating in an international baccalaureate program.

4304 (2) An eligible student may enroll in online courses for no more than the following
4305 number of credits:

4306 (a) in the 2011-12 and 2012-13 school years, two credits;

4307 (b) in the 2013-14 school year, three credits;

4308 (c) in the 2014-15 school year, four credits;

4309 (d) in the 2015-16 school year, five credits; and

4310 (e) beginning with the 2016-17 school year, six credits.

4311 (3) Notwithstanding Subsection (2):

4312 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
4313 online courses for more than the number of credits specified in Subsection (2); or

4314 (b) upon the request of an eligible student, the State Board of Education may allow the
4315 student to enroll in online courses for more than the number of credits specified in Subsection
4316 (2), if the online courses better meet the academic goals of the student.

4317 (4) An eligible student's primary LEA of enrollment:

4318 (a) in conjunction with the student and the student's parent or legal guardian, is
4319 responsible for preparing and implementing a plan for college and career readiness for the
4320 eligible student, as provided in Section ~~[53A-1a-106]~~ 53F-2-304; and

4321 (b) shall assist an eligible student in scheduling courses in accordance with the
4322 student's plan for college and career readiness, graduation requirements, and the student's
4323 post-secondary plans.

4324 (5) An eligible student's primary LEA of enrollment may not:

4325 (a) impose restrictions on a student's selection of an online course that fulfills
4326 graduation requirements and is consistent with the student's plan for college and career
4327 readiness or post-secondary plans; or

4328 (b) give preference to an online course or online course provider.

4329 (6) The State Board of Education, including an employee of the State Board of
4330 Education, may not give preference to an online course or online course provider.

(7) (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.

(b) For purposes of Subsection (7)(a):

(i) "Inducement or incentive" does not mean:

(A) instructional materials or software necessary to take an online course; or

(B) access to a computer or digital learning device for the purpose of taking an online course.

(ii) "Person" does not include a relative of the public school student.

Section 98. Section **53F-4-504**, which is renumbered from Section 53A-15-1205 is renumbered and amended to read:

~~[53A-15-1205].~~ 53F-4-504. Authorized online course providers.

The following entities may offer online courses to eligible students through the Statewide Online Education Program:

(1) a charter school or district school created exclusively for the purpose of serving students online;

(2) an LEA program, approved by the LEA's governing board, that is created exclusively for the purpose of serving students online; and

(3) a program of an institution of higher education listed in Section 53B-2-101 that:

(a) offers secondary school level courses; and

(b) is created exclusively for the purpose of serving students online.

Section 99. Section **53F-4-505**, which is renumbered from Section 53A-15-1206 is renumbered and amended to read:

~~[53A-15-1206].~~ 53F-4-505. Payment for an online course.

(1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:

(a) \$200 for the following courses, except a concurrent enrollment course:

(i) financial literacy;

(ii) health;

(iii) fitness for life; and

(iv) computer literacy;

- 4362 (b) \$200 for driver education;
- 4363 (c) \$250 for a course that meets core standards for Utah public schools in fine arts or
4364 career and technical education, except a concurrent enrollment course;
- 4365 (d) \$300 for the following courses:
- 4366 (i) a course that meets core standards for Utah public schools requirements in social
4367 studies, except a concurrent enrollment course; and
- 4368 (ii) a world language course, except a concurrent enrollment course;
- 4369 (e) \$350 for the following courses:
- 4370 (i) a course that meets core standards for Utah public schools requirements for
4371 language arts, mathematics, or science; and
- 4372 (ii) a concurrent enrollment course; and
- 4373 (f) \$250 for a course not described in Subsections (1)(a) through (e).
- 4374 (2) If a course meets the requirements of more than one course fee category described
4375 in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- 4376 (3) Beginning with the 2013-14 school year, the online course fees described in
4377 Subsection (1) shall be adjusted each school year in accordance with the percentage change in
4378 value of the weighted pupil unit from the previous school year.
- 4379 (4) An online learning provider shall receive payment for an online course as follows:
- 4380 (a) for a .5 credit online course, 50% of the online course fee after the withdrawal
4381 period described in Section ~~[53A-15-1206.5]~~ 53F-4-506;
- 4382 (b) for a 1 credit online course, 25% of the online course fee after the withdrawal
4383 period described in Section ~~[53A-15-1206.5]~~ 53F-4-506 and 25% of the online course fee upon
4384 the beginning of the second .5 credit of the online course; and
- 4385 (c) if a student completes a 1 credit online course within 12 months or a .5 credit
4386 course within nine weeks following the end of a traditional semester, 50% of the online course
4387 fee.
- 4388 (5) (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit
4389 course within nine weeks following the end of a traditional semester, the student may continue
4390 to be enrolled in the course until the student graduates from high school.
- 4391 (b) To encourage an online course provider to provide remediation to a student who
4392 remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit

recovery, an online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course before the student graduates from high school.

(6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:

(a) negotiate a fee with an online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and

(b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).

(7) An online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).

Section 100. Section **53F-4-506**, which is renumbered from Section 53A-15-1206.5 is renumbered and amended to read:

~~[53A-15-1206.5].~~ **53F-4-506. Withdrawal from an online course.**

(1) An online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.

(2) Except as provided in Subsection (3), a student may withdraw from an online course:

(a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or

(b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).

(3) (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.

(b) An online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).

(c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection ~~[53A-15-1206]~~ **53F-4-505(4)**.

Section 101. Section **53F-4-507**, which is renumbered from Section 53A-15-1207 is

4424 renumbered and amended to read:

4425 ~~[53A-15-1207].~~ **53F-4-507. State Board of Education to deduct funds and**
4426 **make payments -- Plan for the payment of online courses taken by private and home**
4427 **school students.**

4428 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget
4429 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education
4430 Program based on:

4431 (a) the anticipated increase of eligible home school and private school students
4432 enrolled in the Statewide Online Education Program; and

4433 (b) the value of the weighted pupil unit.

4434 (2) (a) The State Board of Education shall deduct money from funds allocated to the
4435 student's primary LEA of enrollment under Chapter ~~[17a, Minimum School Program Act]~~ 2,
4436 State Funding -- Minimum School Program, to pay for online course fees.

4437 (b) Money shall be deducted under Subsection (2) in the amount and at the time an
4438 online course provider qualifies to receive payment for an online course as provided in
4439 Subsection ~~[53A-15-1206]~~ 53F-4-505(4).

4440 (3) From money deducted under Subsection (2), the State Board of Education shall
4441 make payments to the student's online course provider as provided in Section ~~[53A-15-1206]~~
4442 53F-4-505.

4443 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,
4444 2013, for the payment of online courses taken by a private school or home school student.

4445 Section 102. Section **53F-4-508**, which is renumbered from Section 53A-15-1208 is
4446 renumbered and amended to read:

4447 ~~[53A-15-1208].~~ **53F-4-508. Course credit acknowledgment.**

4448 (1) A student's primary LEA of enrollment and the student's online course provider
4449 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and
4450 the online course provider acknowledge that the online course provider is responsible for the
4451 instruction of the student in a specified online course.

4452 (2) The terms of the course credit acknowledgment shall provide that:

4453 (a) the online course provider shall receive a payment in the amount provided under
4454 Section ~~[53A-15-1206]~~ 53F-4-505; and

(b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter ~~[17a, Minimum School Program Act]~~ 2, State Funding -- Minimum School Program, in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection ~~[53A-15-1206]~~ 53F-4-505(4).

(3) (a) A course credit acknowledgment may originate with either an online course provider or primary LEA of enrollment.

(b) The originating entity shall submit the course credit acknowledgment to the State Board of Education who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.

(c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:

(A) the online course is not aligned with the student's plan for college and career readiness;

(B) the online course is not consistent with the student's IEP, if the student has an IEP;

(C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or

(D) the number of online course credits exceeds the maximum allowed for the year as provided in Section ~~[53A-15-1204]~~ 53F-4-503.

(ii) Verification of alignment of an online course with a student's plan for college and career readiness does not require a meeting with the student.

(d) An online course provider may only reject a course credit acknowledgment if:

(i) the student does not meet course prerequisites; or

(ii) the course is not open for enrollment.

(e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b).

(f) If an online course provider accepts a course credit acknowledgment, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section ~~[53A-15-1206.5]~~ 53F-4-506.

(g) If an online course provider rejects a course credit acknowledgment, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.

(h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgment accepted.

(i) Upon acceptance of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section ~~[53A-15-1206.5]~~ 53F-4-506.

(ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.

(j) If the online course student has an individual education plan (IEP) or accommodations, the primary LEA of enrollment shall forward the IEP or description of accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgment.

(4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection ~~[53A-15-1206]~~ 53F-4-505(6).

(b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.

Section 103. Section **53F-4-509**, which is renumbered from Section 53A-15-1209 is renumbered and amended to read:

~~[53A-15-1209].~~ **53F-4-509. Online course credit hours included in daily membership -- Limitation.**

(1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.

(2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness.

(3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.

(4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.

(5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:

(a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness; or

(b) if allowed under local school board or charter school governing board policy.

Section 104. Section **53F-4-510**, which is renumbered from Section 53A-15-1210 is renumbered and amended to read:

~~[53A-15-1210].~~ 53F-4-510. Administration of statewide assessments to students enrolled in online courses.

(1) A student enrolled in an online course that is a course for which a statewide assessment is administered under [~~Chapter 1, Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide assessment.

(2) (a) The State Board of Education shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.

(b) Rules made under Subsection (2)(a) shall:

(i) provide for the administration of a statewide assessment upon a student completing an online course; and

(ii) require an online course provider to proctor the statewide assessment.

Section 105. Section **53F-4-511**, which is renumbered from Section 53A-15-1211 is renumbered and amended to read:

~~[53A-15-1211].~~ 53F-4-511. Report on performance of online course

providers.

(1) The State Board of Education, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an online course provider.

(2) A report on the performance of an online course provider shall include:

(a) scores aggregated by test on statewide assessments administered under [~~Chapter 1, Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;

(b) the percentage of the online course provider's students who complete online courses within the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c);

(c) the percentage of the online course provider's students who complete online courses after the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c) and before the student graduates from high school; and

(d) the pupil-teacher ratio for the combined online courses of the online course provider.

(3) The State Board of Education shall post a report on the performance of an online course provider on the Statewide Online Education Program's website.

Section 106. Section **53F-4-512**, which is renumbered from Section 53A-15-1212 is renumbered and amended to read:

[~~53A-15-1212~~]. 53F-4-512. Dissemination of information on the Statewide Online Education Program.

(1) The State Board of Education shall develop a website for the Statewide Online Education Program which shall include:

(a) a description of the Statewide Online Education Program, including its purposes;

(b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;

(c) a directory of online course providers;

(d) a link to a course catalog for each online course provider; and

(e) a report on the performance of online course providers as required by Section [~~53A-15-1211~~] 53F-4-511.

(2) An online course provider shall provide the following information on the online

4579 course provider's website:

4580 (a) a description of the Statewide Online Education Program, including its purposes;

4581 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
4582 an online course;

4583 (c) a course catalog;

4584 (d) scores aggregated by test on statewide assessments administered under [~~Chapter 1,~~
4585 ~~Part 6, Achievement Tests~~] Title 53E, Chapter 4, Part 3, Assessments, taken by students at the
4586 end of an online course offered through the Statewide Online Education Program;

4587 (e) the percentage of an online course provider's students who complete online courses
4588 within the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c);

4589 (f) the percentage of an online course provider's students who complete online courses
4590 after the applicable time period specified in Subsection [~~53A-15-1206~~] 53F-4-505(4)(c) and
4591 before the student graduates from high school; and

4592 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

4593 Section 107. Section **53F-4-513**, which is renumbered from Section 53A-15-1212.5 is
4594 renumbered and amended to read:

4595 ~~[53A-15-1212.5].~~ **53F-4-513. Time period to enroll in an online course.**

4596 (1) To provide an LEA and online course providers with estimates of online course
4597 enrollment, a student should enroll in an online course, or declare an intention to enroll in an
4598 online course, during the high school course registration period designated by the LEA.

4599 (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student
4600 may enroll in an online course at any time during a calendar year.

4601 (3) (a) A student may alter a course schedule by dropping a traditional classroom
4602 course and adding an online course consistent with course schedule alteration procedures
4603 adopted by the student's primary LEA of enrollment or high school.

4604 (b) A school district's or high school's deadline for dropping a traditional classroom
4605 course and adding an online course shall be the same deadline for dropping and adding a
4606 traditional classroom course.

4607 Section 108. Section **53F-4-514**, which is renumbered from Section 53A-15-1213 is
4608 renumbered and amended to read:

4609 ~~[53A-15-1213].~~ **53F-4-514. State Board of Education -- Rulemaking.**

The State Board of Education shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(1) establish a course credit acknowledgement form and procedures for completing and submitting to the State Board of Education a course credit acknowledgement; and

(2) establish procedures for the administration of a statewide assessment to a student enrolled in an online course.

Section 109. Section **53F-4-515**, which is renumbered from Section 53A-15-1214 is renumbered and amended to read:

~~[53A-15-1214].~~ 53F-4-515. Review by legislative auditor general.

The legislative auditor general shall conduct a review and issue a report on the Statewide Online Education Program after the conclusion of the 2013-14 school year.

Section 110. Section **53F-4-516**, which is renumbered from Section 53A-15-1216 is renumbered and amended to read:

~~[53A-15-1216].~~ 53F-4-516. Report of noncompliance -- Action to ensure compliance.

(1) The state superintendent shall report to the State Board of Education any report of noncompliance of this part made to a member of the staff of the State Board of Education.

(2) The State Board of Education shall take appropriate action to ensure compliance with this part.

Section 111. Section **53F-4-517**, which is renumbered from Section 53A-15-1217 is renumbered and amended to read:

~~[53A-15-1217].~~ 53F-4-517. Agreements for online instruction.

(1) In addition to offering online courses to students through the Statewide Online Education Program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.

(2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Section 112. Section **53F-5-101** is enacted to read:

CHAPTER 5. STATE FUNDING -- INITIATIVE GRANT PROGRAMS

Part 1. General Provisions

53F-5-101. Title.

This chapter is known as "State Funding -- Initiative Grant Programs."

Section 113. Section **53F-5-102** is enacted to read:

53F-5-102. Definitions.

Reserved

Section 114. Section **53F-5-201**, which is renumbered from Section 53A-1-708 is renumbered and amended to read:

Part 2. Miscellaneous Grant Programs

[53A-1-708]. 53F-5-201. Grants for online delivery of statewide assessments.

(1) As used in this section:

(a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.

(b) "Core standards for Utah public schools" means the standards established by the State Board of Education as described in Section ~~[53A-1-402.6]~~ 53E-4-202.

(c) "Statewide assessment" means the same as that term is defined in Section ~~[53A-1-602]~~ 53E-4-301.

(d) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.

(e) "Uniform online summative test system" means a single system for the online delivery of summative tests required as statewide assessments that:

(i) is coordinated by the State Board of Education;

(ii) ensures the reliability and security of statewide assessments; and

(iii) is selected through collaboration between the State Board of Education and school district representatives with expertise in technology, assessment, and administration.

(2) The State Board of Education may award grants to school districts and charter schools to implement:

(a) a uniform online summative test system to enable school staff and parents of students to review statewide assessment scores by the end of the school year; or

(b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.

(3) (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:

(i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;

(ii) software;

(iii) networking equipment;

(iv) upgrades of existing equipment or software;

(v) upgrades of existing physical plant facilities;

(vi) personnel to provide technical support or coordination and management; and

(vii) teacher professional development.

(b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required as statewide assessments, may be used for other purposes.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) establishing procedures for applying for and awarding grants;

(b) specifying how grant money is allocated among school districts and charter schools;

(c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;

(d) establishing technology standards for an online adaptive testing system;

(e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with ~~[Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act]~~ Title 53E, Chapter 9, Student Privacy and Data Protection, an online adaptive test system by the 2014-15 school year that:

(i) meets the technology standards established under Subsection (4)(d); and

(ii) is aligned with the core standards for Utah public schools;

(f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and

(g) ensuring that student identifiable data is not released to any person, except as provided by [~~Part 14, Student Data Protection Act, Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act~~] Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the State Board of Education adopted under the authority of those parts.

(5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.

(6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.

(7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Section 115. Section **53F-5-202**, which is renumbered from Section 53A-6-114 is renumbered and amended to read:

~~[53A-6-114].~~ **53F-5-202. National Board certification reimbursement.**

(1) (a) The terms defined in Section 53E-6-102 apply to this section.

~~[(+)]~~ (b) As used in this section:

~~[(a)]~~ (i) "Eligible educator" means an educator who:

~~[(+)]~~ (A) holds a current National Board certification; and

~~[(+)]~~ (B) is employed as an educator by an LEA.

~~[(b)]~~ (ii) "Local education agency" or "LEA" means:

~~[(+)]~~ (A) a school district;

~~[(+)]~~ (B) a charter school; or

~~[(+)]~~ (C) the Utah Schools for the Deaf and the Blind.

(2) (a) Subject to legislative appropriations and Subsection (2)(b), the board shall reimburse an eligible educator for the cost to attain or renew a National Board certification.

(b) The board may only issue a reimbursement under Subsection (2)(a) for a certification attained or renewed after July 1, 2016.

(3) The board shall reimburse an eligible educator under this section on a first come, first served basis.

(4) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying procedures and timelines for reimbursing costs

4734 under Subsection (2).

4735 Section 116. Section **53F-5-203**, which is renumbered from Section 53A-15-106 is
4736 renumbered and amended to read:

4737 **[53A-15-106]. 53F-5-203. Interventions for Reading Difficulties Pilot**
4738 **Program.**

4739 (1) As used in this section:

4740 (a) "Board" means the State Board of Education.

4741 (b) "Dyslexia" means a specific learning disability that is neurological in origin and
4742 characterized by difficulties with accurate or fluent word recognition and by poor spelling and
4743 decoding abilities that typically result from a deficit in the phonological component of language
4744 that is often unexpected in relation to other cognitive abilities and the provision of effective
4745 classroom instruction.

4746 (c) "Endorsement" means the same as that term is defined in Section ~~[53A-6-103]~~
4747 53E-6-102.

4748 (d) "Local education agency" or "LEA" means:

4749 (i) a school district;

4750 (ii) a charter school; or

4751 (iii) the Utah Schools for the Deaf and the Blind.

4752 (e) "Multi-Tier System of Supports" or "MTSS" means a framework integrating
4753 assessment and intervention that:

4754 (i) provides increasingly intensive interventions for students at risk for or experiencing
4755 reading difficulties, including:

4756 (A) tier II interventions that, in addition to standard classroom reading, provide
4757 supplemental and targeted small group instruction in reading using evidence-based curricula;
4758 and

4759 (B) tier III interventions that address the specific needs of students who are the most at
4760 risk or who have not responded to tier II interventions by providing frequent, intensive, and
4761 targeted small group instruction using evidence-based curricula; and

4762 (ii) is developed to:

4763 (A) maximize student achievement;

4764 (B) reduce behavior problems; and

(C) increase long-term success.

(f) "Program" means the Interventions for Reading Difficulties Pilot Program.

(g) "Reading difficulty" means an impairment, including dyslexia, that negatively affects a student's ability to learn to read.

(2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

(a) specific evidence-based literacy interventions using an MTSS for students in kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including dyslexia; and

(b) professional development to educators who provide the literacy interventions described in Subsection (2)(a).

(3) (a) An LEA may submit a proposal to the board to participate in the program.

(b) An LEA proposal described in Subsection (3)(a) shall:

(i) specify:

(A) a range of current benchmark assessment in reading scores described in Section ~~53A-1-606.6~~ 53E-4-307 that the LEA will use to determine whether a student is at risk for a reading difficulty; and

(B) other reading difficulty risk factors that the LEA will use to determine whether a student is at risk for a reading difficulty;

(ii) describe the LEA's existing reading program;

(iii) describe the LEA's MTSS approach; and

(iv) include any other information requested by the board.

(c) The board may:

(i) specify the format for an LEA proposal; and

(ii) set a deadline for an LEA to submit a proposal.

(4) The board shall:

(a) define criteria for selecting an LEA to participate in the program;

(b) during fiscal year 2016, select five LEAs to participate in the program:

(i) on a competitive basis; and

(ii) using criteria described in Subsection (4)(a); and

(c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per school within the LEA.

(5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select additional LEAs to participate in the program.

(6) An LEA that participates in the program:

(a) shall, beginning with the 2016-17 school year, provide the interventions described in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year; and

(b) may provide the professional development described in Subsections (8)(a) and (b) beginning in fiscal year 2016.

(7) An LEA that participates in the program shall:

(a) select at least one school in the LEA to participate in the program;

(b) identify students in kindergarten through grade 5 for participation in the program by:

(i) using current benchmark assessment in reading scores as described in Section ~~53A-1-606.6~~ 53E-4-307; and

(ii) considering other reading difficulty risk factors identified by the LEA;

(c) provide interventions for each student participating in the program using an MTSS implemented by an educator trained in evidence-based interventions;

(d) include the LEA's proposal submitted under Subsection (3)(b) in the reading achievement plan described in Section ~~53A-1-606.5~~ 53E-4-306 for each school in the LEA that participates in the program; and

(e) report annually to the board on:

(i) individual student outcomes in changes in reading ability;

(ii) school level outcomes; and

(iii) any other information requested by the board.

(8) Subject to funding for the program, an LEA may use the funds described in Subsection (4)(c) for the following purposes:

(a) to provide for ongoing professional development in evidence-based literacy interventions;

(b) to support educators in earning a reading interventionist endorsement that prepares teachers to provide a student who is at risk for or experiencing reading difficulty, including dyslexia, with reading intervention that is:

4827 (i) explicit;
4828 (ii) systematic; and
4829 (iii) targeted to a student's specific reading difficulty; and
4830 (c) to implement the program.

4831 (9) The board shall contract with an independent evaluator to evaluate the program on:
4832 (a) whether the program improves reading outcomes for a student who receives the
4833 interventions described in Subsection (7)(c);
4834 (b) whether the program may reduce future special education costs; and
4835 (c) any other student or school achievement outcomes requested by the board.

4836 (10) (a) The board shall make a final report on the program to the Education Interim
4837 Committee on or before November 1, 2018.

4838 (b) In the final report described in Subsection (10)(a), the board shall include the
4839 results of the evaluation described in Subsection (9).

4840 Section 117. Section **53F-5-204**, which is renumbered from Section 53A-15-1601 is
4841 renumbered and amended to read:

4842 **~~[53A-15-1601].~~ 53F-5-204. Initiative to strengthen college and career**
4843 **readiness.**

4844 (1) As used in this section:

4845 (a) "College and career counseling" means:

4846 (i) nurturing college and career aspirations;
4847 (ii) assisting students in planning an academic program that connects to college and
4848 career goals;

4849 (iii) providing early and ongoing exposure to information necessary to make informed
4850 decisions when selecting a college and career;

4851 (iv) promoting participation in college and career assessments;
4852 (v) providing financial aid information; and
4853 (vi) increasing understanding about college admission processes.

4854 (b) "LEA" or "local education agency" means a school district or charter school.

4855 (2) There is created the Strengthening College and Career Readiness Program, a grant
4856 program for LEAs, to improve students' college and career readiness through enhancing the
4857 skill level of school counselors to provide college and career counseling.

(3) The State Board of Education shall:

(a) on or before August 1, 2015, collaborate with the State Board of Regents, and business, community, and education stakeholders to develop a certificate for school counselors that:

(i) certifies that a school counselor is highly skilled at providing college and career counseling; and

(ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as defined in rules established by the State Board of Education;

(b) subject to legislative appropriations, award grants to LEAs, on a competitive basis, for payment of course fees for courses required to earn the certificate developed by the State Board of Education under Subsection (3)(a); and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

(i) procedures for applying for and awarding grants under this section;

(ii) criteria for awarding grants; and

(iii) reporting requirements for grantees.

(4) An LEA that receives a grant under this section shall use the grant for payment of course fees for courses required to attain the certificate as determined by the State Board of Education under Subsection (3)(a).

(5) The State Board of Education shall report to the Education Interim Committee on the status of the Strengthening College and Career Readiness Program on or before:

(a) November 1, 2016; and

(b) November 1, 2017.

Section 118. Section **53F-5-205**, which is renumbered from Section 53A-6-802 is renumbered and amended to read:

[53A-6-802]. 53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math teacher training programs.

(1) (a) The terms defined in Section 53E-6-102 apply to this section.

(b) As used in this section, "paraeducator" means a school employee who:

(i) delivers instruction under the direct supervision of a teacher; and

(ii) works in an area where there is a shortage of qualified teachers, such as special

4889 education, Title I, ESL, reading remediation, math, or science.

4890 ~~[(1)]~~ (2) The Paraeducator to Teacher Scholarship Program is created to award
4891 scholarships to paraeducators for education and training to become licensed teachers.

4892 ~~[(2)]~~ (3) The State Board of Education shall use money appropriated for the
4893 Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to
4894 paraeducators employed by school districts and charter schools who are pursuing an associate's
4895 degree or bachelor's degree program to become a licensed teacher.

4896 ~~[(3)]~~ (4) A paraeducator is eligible to receive a scholarship if:

4897 (a) the paraeducator is employed by a school district or charter school;

4898 (b) is admitted to, or has made an application to, an associate's degree program or
4899 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

4900 (c) the principal at the school where the paraeducator is employed has nominated the
4901 paraeducator for a scholarship.

4902 ~~[(4)]~~ (5) (a) The State Board of Education shall establish a committee to select
4903 scholarship recipients from nominations submitted by school principals.

4904 (b) The committee shall include representatives of the State Board of Education, State
4905 Board of Regents, and the general public, excluding school district and charter school
4906 employees.

4907 (c) A member may not receive compensation or benefits for the member's service, but
4908 may receive per diem and travel expenses in accordance with:

4909 (i) Section 63A-3-106;

4910 (ii) Section 63A-3-107; and

4911 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4912 63A-3-107.

4913 (d) The committee shall select scholarship recipients based on the following criteria:

4914 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
4915 successfully complete a teacher education program; and

4916 (ii) the applicant's record of success as a paraeducator.

4917 ~~[(5)]~~ (6) The maximum scholarship amount is \$5,000.

4918 ~~[(6)]~~ (7) Scholarship money may only be used to pay for tuition costs:

4919 (a) of:

(i) an associate's degree program that fulfills credit requirements for the first two years of a bachelor's degree program leading to teacher licensure; or

(ii) the first two years of a bachelor's degree program leading to teacher licensure; and

(b) at a higher education institution:

(i) located in Utah; and

(ii) accredited by the Northwest Commission on Colleges and Universities.

~~[(7)]~~ (8) A scholarship recipient must be continuously employed as a paraeducator by a school district or charter school while pursuing a degree using scholarship money.

~~[(8)]~~ (9) The State Board of Education shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher Scholarship Program, including rules establishing:

(a) scholarship application procedures;

(b) the number of, and qualifications for, committee members who select scholarship recipients; and

(c) procedures for distributing scholarship money.

(10) If the state obtains matching funds of equal sums from private contributors, the board may award grants to institutions of higher education or nonprofit educational organizations for programs that provide:

(a) mentoring and training leading to a secondary education license with an endorsement in mathematics for an individual who:

(i) is not a teacher in a public or private school;

(ii) does not have a teaching license;

(iii) has a bachelor's degree or higher; and

(iv) demonstrates a high level of mathematics competency by:

(A) successfully completing substantial course work in mathematics; and

(B) passing a mathematics content exam; or

(b) a stipend, professional development, and leadership opportunities to an experienced mathematics teacher who demonstrates high content knowledge and exemplary teaching and leadership skills to assist the teacher in becoming a teacher leader.

(11) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

(b) In awarding grants, the board shall consider the amount or percent of matching funds provided by the grant recipient.

Section 119. Section **53F-5-206**, which is renumbered from Section 53A-15-1303 is renumbered and amended to read:

[53A-15-1303]. 53F-5-206. Grant awards for elementary suicide prevention programs.

(1) To foster peer-to-peer suicide prevention, resiliency, and anti-bullying programs in elementary schools, the public education suicide prevention coordinator, described in Section [53A-15-1301] 53G-9-702, shall, subject to legislative appropriations, award grants to elementary schools.

(2) A grant award may not exceed \$500 per school per year.

(3) The application for a grant shall contain:

(a) a requested award amount;

(b) a budget; and

(c) a narrative plan of the peer-to-peer suicide prevention, resiliency, or anti-bullying program.

(4) When awarding a grant under this section, the public education suicide prevention coordinator shall consider:

(a) the content of a grant application; and

(b) whether an application is submitted in the manner and form prescribed.

Section 120. Section **53F-5-207**, which is renumbered from Section 53A-17a-171 is renumbered and amended to read:

[53A-17a-171]. 53F-5-207. Intergenerational Poverty Interventions Grant Program -- Definitions -- Grant requirements -- Reporting requirements.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "Eligible student" means a student who is classified as a child affected by intergenerational poverty.

(c) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.

(d) "Local Education Agency" or "LEA" means a school district or charter school.

(e) "Program" means the Intergenerational Poverty Interventions Grant Program

4982 created in Subsection (2).

4983 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
4984 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for
4985 eligible students, outside of the regular school day offerings.

4986 (3) Subject to future budget constraints, the board shall distribute to LEAs money
4987 appropriated for the program in accordance with this section.

4988 (4) The board shall:

4989 (a) solicit proposals from local education boards to receive money under the program;

4990 and

4991 (b) award grants to a local education board on behalf of an LEA based on criteria
4992 described in Subsection (5).

4993 (5) In awarding a grant under Subsection (4), the board shall consider:

4994 (a) the percentage of an LEA's students that are classified as children affected by
4995 intergenerational poverty;

4996 (b) the level of administrative support and leadership at an eligible LEA to effectively
4997 implement, monitor, and evaluate the program; and

4998 (c) an LEA's commitment and ability to work with the Department of Workforce
4999 Services, the Department of Health, the Department of Human Services, and the juvenile courts
5000 to provide services to the LEA's eligible students.

5001 (6) To receive a grant under the program on behalf of an LEA, a local education board
5002 shall submit a proposal to the board detailing:

5003 (a) the LEA's strategy to implement the program, including the LEA's strategy to
5004 improve the academic achievement of children affected by intergenerational poverty;

5005 (b) the LEA's strategy for coordinating with and engaging the Department of
5006 Workforce Services to provide services for the LEA's eligible students;

5007 (c) the number of students the LEA plans to serve, categorized by age and
5008 intergenerational poverty status;

5009 (d) the number of students, eligible students, and schools the LEA plans to fund with
5010 the grant money; and

5011 (e) the estimated cost per student.

5012 (7) (a) The board shall annually report to the Utah Intergenerational Welfare Reform

5013 Commission, created in Section 35A-9-301, by November 30 of each year, on:

5014 (i) the progress of LEA programs using grant money;

5015 (ii) the progress of LEA programs in improving the academic achievement of children
5016 affected by intergenerational poverty; and

5017 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
5018 Department of Health, the Department of Human Services, and the juvenile courts.

5019 (b) The board shall provide the report described in Subsection (7)(a) to the Education
5020 Interim Committee upon request.

5021 (c) An LEA that receives grant money pursuant to this section shall provide to the
5022 board information that is necessary for the board's report described in Subsection (7)(a).

5023 Section 121. Section **53F-5-208**, which is renumbered from Section 53A-3-402.11 is
5024 renumbered and amended to read:

5025 ~~[53A-3-402.11]~~. **53F-5-208. Reading Performance Improvement Scholarship**
5026 **Program.**

5027 (1) There is established a Reading Performance Improvement Scholarship Program to
5028 assist selected elementary teachers in obtaining a reading endorsement so that they may help
5029 improve the reading performance of students in their classes.

5030 (2) The State Board of Education shall award scholarships of up to \$500 to each
5031 recipient under the program.

5032 (3) The board shall give weighted consideration to scholarship applicants who:

5033 (a) teach in grades kindergarten through three;

5034 (b) are designated by their schools as, or are seeking the designation of, reading
5035 specialist; and

5036 (c) teach in a rural area of the state.

5037 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5038 board shall provide by rule for:

5039 (a) the application procedure for the scholarship; and

5040 (b) what constitutes a reading specialist at the elementary school level.

5041 Section 122. Section **53F-5-301**, which is renumbered from Section 53A-1b-202 is
5042 renumbered and amended to read:

5043 **Part 3. High Quality School Readiness Program**

5044 ~~[53A-1b-202]~~. **53F-5-301. Definitions.**

5045 As used in this part:

5046 (1) "Board" means the State Board of Education.

5047 (2) "Child Development Associate Credential" means a credential in early childhood
5048 education that is:

5049 (a) based on a core set of competency standards; and

5050 (b) nationally recognized.

5051 (3) "Department" means the Department of Workforce Services.

5052 (4) "Economically disadvantaged child" means a child who:

5053 (a) is in a family that is eligible for assistance through TANF; or

5054 (b) is eligible for free or reduced lunch.

5055 (5) "Eligible home-based technology provider" means a provider that offers a
5056 home-based educational technology program to develop the school readiness skills of an
5057 eligible student.

5058 (6) "Eligible private provider" means the same as that term is defined in Section

5059 ~~[53A-1b-102]~~ 53F-6-301.

5060 (7) "Eligible student" means an individual who:

5061 (a) will be four years of age on or before September 2 of the school year in which the
5062 individual intends to participate in a school readiness program;

5063 (b) has not entered kindergarten; and

5064 (c) (i) is experiencing intergenerational poverty, as determined by the department; or

5065 (ii) (A) is an economically disadvantaged child; and

5066 (B) is at risk for not meeting grade 3 core standards for Utah public schools,
5067 established by the State Board of Education under Section ~~[53A-1-402.6]~~ 53E-4-202, by the
5068 end of the individual's grade 3 year, as determined by an assessment.

5069 (8) "High quality school readiness program" means a school readiness program that:

5070 (a) is provided by an LEA, eligible private provider, or eligible home-based technology
5071 provider; and

5072 (b) meets the elements of a high quality school readiness program described in Section

5073 ~~[53A-1b-105]~~ 53F-6-304 as determined by the board or the department under Section

5074 ~~[53A-1b-204]~~ 53F-5-303, ~~[53A-1b-205]~~ 53F-5-304, or ~~[53A-1b-206]~~ 53F-5-305.

5075 (9) "Intergenerational poverty" means the same as that term is defined in Section
5076 35A-9-102.

5077 (10) "Intergenerational poverty scholarship" or "IGP scholarship" means a scholarship
5078 to attend a high quality school readiness program for an eligible student who is experiencing
5079 intergenerational poverty.

5080 (11) "Local education agency" or "LEA" means a:

5081 (a) school district; or

5082 (b) charter school.

5083 (12) "TANF" means Temporary Assistance for Needy Families, described in 42 U.S.C.
5084 Sec. 601 et seq.

5085 Section 123. Section **53F-5-302**, which is renumbered from Section 53A-1b-203 is
5086 renumbered and amended to read:

5087 ~~[53A-1b-203].~~ **53F-5-302. Administration of programs.**

5088 (1) The State Board of Education, in collaboration with the department, shall:

5089 (a) administer the grant program described in Section ~~[53A-1b-204]~~ 53F-5-303 for
5090 LEAs;

5091 (b) administer the grant program for eligible home-based technology providers
5092 described in Section ~~[53A-1b-205]~~ 53F-5-304; and

5093 (c) oversee the evaluation described in Section ~~[53A-1b-208]~~ 53F-5-307.

5094 (2) The department, in collaboration with the board, shall administer:

5095 (a) the grant program described in Section ~~[53A-1b-204]~~ 53F-5-303 for eligible private
5096 providers;

5097 (b) the Intergenerational Poverty School Readiness Scholarship Program described in
5098 Section ~~[53A-1b-206]~~ 53F-5-305; and

5099 (c) early childhood teacher training described in Section ~~[53A-1b-207]~~ 53F-5-306.

5100 Section 124. Section **53F-5-303**, which is renumbered from Section 53A-1b-204 is
5101 renumbered and amended to read:

5102 ~~[53A-1b-204].~~ **53F-5-303. Student Access to High Quality School Readiness**
5103 **Programs Grant Program -- Determination of high quality school readiness program--**
5104 **Reporting requirement -- Fees.**

5105 (1) There is created the Student Access to High Quality School Readiness Programs

5106 Grant Program to expand access to high quality school readiness programs for eligible students
5107 through:

5108 (a) grants for LEAs administered by the board; and

5109 (b) grants for eligible private providers administered by the department.

5110 (2) The board, in coordination with the department, shall develop a tool to determine
5111 whether a school readiness program is a high quality school readiness program.

5112 (3) (a) The board shall solicit proposals from LEAs to fund increases in the number of
5113 eligible students high quality school readiness programs can serve.

5114 (b) The department shall solicit proposals from eligible private providers to fund
5115 increases in the number of eligible students high quality school readiness programs can serve.

5116 (4) (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal
5117 that includes the information described in Subsection (4)(b):

5118 (i) to the board, for a respondent that is an LEA; or

5119 (ii) to the department, for a respondent that is an eligible private provider.

5120 (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall
5121 include:

5122 (i) the respondent's existing and proposed school readiness program, including:

5123 (A) the number of students served by the respondent's school readiness program;

5124 (B) the respondent's policies and procedures for admitting students into the school
5125 readiness program;

5126 (C) the estimated cost per student; and

5127 (D) any fees the respondent charges to a parent or legal guardian for the school
5128 readiness program;

5129 (ii) the respondent's plan to use funding sources, in addition to a grant described in this
5130 section, including:

5131 (A) federal funding; or

5132 (B) private grants or donations;

5133 (iii) existing or planned partnerships between the respondent and an LEA, eligible
5134 private provider, or eligible home-based technology provider to increase access to high quality
5135 school readiness programs for eligible students;

5136 (iv) how the respondent would use a grant to:

5137 (A) expand the number of eligible students served by the respondent's school readiness
5138 program; and

5139 (B) target the funding toward the highest risk students, including addressing the
5140 particular needs of children at risk of experiencing intergenerational poverty;

5141 (v) how the respondent's school readiness program is a high quality school readiness
5142 program; and

5143 (vi) the results of any evaluations of the respondent's school readiness program.

5144 (c) In addition to the requirements described in Subsection (4)(b), a respondent that is
5145 an LEA shall describe in the respondent's proposal the percentage of the respondent's
5146 kindergarten through grade 12 students who are economically disadvantaged children.

5147 (5) (a) For each LEA proposal received in response to the solicitation described in
5148 Subsection (3)(a), the board shall determine if the LEA school readiness program is a high
5149 quality school readiness program by:

5150 (i) applying the tool described in Subsection (2); and

5151 (ii) conducting at least one site visit to the program.

5152 (b) For each eligible private provider proposal received in response to the solicitation
5153 described in Subsection (3)(b), the department shall determine if the school readiness program
5154 is a high quality school readiness program by:

5155 (i) applying the tool described in Subsection (2); and

5156 (ii) conducting at least one site visit to the program.

5157 (6) (a) Subject to legislative appropriations and Subsection (6)(b), the board shall
5158 award grants, on a competitive basis, to respondents that are LEAs.

5159 (b) The board may only award a grant to an LEA if:

5160 (i) the LEA submits a proposal that includes the information required under Subsection
5161 (4);

5162 (ii) the board determines that the LEA's program is a high quality school readiness
5163 program as described in Subsection (5); and

5164 (iii) the LEA agrees to the evaluation requirements described in Section ~~[53A-1b-208]~~
5165 53F-5-307.

5166 (7) (a) Subject to legislative appropriations and Subsection (7)(b), the department shall
5167 award grants, on a competitive basis, to respondents that are eligible private providers.

- 5168 (b) The department may only award a grant to a respondent if:
- 5169 (i) the respondent submits a proposal that includes the information required under
- 5170 Subsection (4);
- 5171 (ii) the department determines that the respondent's school readiness program is a high
- 5172 quality school readiness program as described in Subsection (5); and
- 5173 (iii) the respondent agrees to the evaluation requirements described in Section
- 5174 ~~[53A-1b-208]~~ 53F-5-307.
- 5175 (8) In evaluating a proposal received in response to the solicitation described in
- 5176 Subsection (3), the board and the department shall consider:
- 5177 (a) the number and percent of students in the respondent's high quality school readiness
- 5178 program that are eligible students at the highest risk;
- 5179 (b) geographic diversity, including whether the respondent is urban or rural;
- 5180 (c) the extent to which the respondent intends to participate in a partnership with an
- 5181 LEA, eligible private provider, or eligible home-based technology provider; and
- 5182 (d) the respondent's level of administrative support and leadership to effectively
- 5183 implement, monitor, and evaluate the program.
- 5184 (9) (a) The board shall ensure that an LEA that receives a grant under this section
- 5185 funded by TANF funds uses the grant to provide a high quality school readiness program for
- 5186 eligible students who are eligible to receive assistance through TANF.
- 5187 (b) The department shall ensure that a private provider that receives a grant under this
- 5188 section funded by TANF funds uses the grant to provide a high quality school readiness
- 5189 program for eligible students who are eligible to receive assistance through TANF.
- 5190 (10) A respondent that receives a grant under this section shall:
- 5191 (a) use the grant to expand access for eligible students to high quality school readiness
- 5192 programs by enrolling eligible students in a high quality school readiness program;
- 5193 (b) report to the board annually regarding:
- 5194 (i) how the respondent used the grant awarded under Subsection (6) or (7);
- 5195 (ii) participation in any partnerships between an LEA, eligible private provider, or
- 5196 eligible home-based technology provider; and
- 5197 (iii) the results of any evaluations;
- 5198 (c) allow classroom or other visits by an independent evaluator selected by the board

5199 under Section [~~53A-1b-208~~] 53F-5-307; and

5200 (d) for a respondent that is an LEA, notify a parent or legal guardian who expresses
5201 interest in enrolling the parent or legal guardian's child in the LEA's high quality school
5202 readiness program of each state-funded high quality school readiness program operating within
5203 the LEA's geographic boundaries.

5204 (11) An LEA that receives a grant under this section may charge a student fee to
5205 participate in an LEA's school readiness program if:

5206 (a) the LEA's local school board or charter school governing board approves the fee;

5207 (b) the fee for a student does not exceed the actual cost of providing the high quality
5208 school readiness program to the student; and

5209 (c) the fee structure for the program is designed on a sliding scale, based on household
5210 income.

5211 (12) (a) The board shall establish interventions for a grantee that is an LEA that fails to
5212 comply with the requirements described in this section.

5213 (b) The department shall establish interventions for a grantee that is an eligible private
5214 provider that fails to comply with the requirements described in this section.

5215 (c) An intervention under this Subsection (12) may include discontinuing or reducing
5216 funding.

5217 (13) Subject to legislative appropriations, the board and the department shall give first
5218 priority in awarding grants to a respondent that has previously received a grant under this
5219 section if the respondent:

5220 (a) makes the annual report described in Subsection (9)(b);

5221 (b) participates in the annual evaluation described in Section [~~53A-1b-208~~] 53F-5-307;
5222 and

5223 (c) continues to offer a high quality school readiness program as determined during an
5224 annual site visit by:

5225 (i) the board, for an LEA; or

5226 (ii) the department, for an eligible private provider.

5227 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

5228 (a) the board shall make rules to:

5229 (i) implement the tool described in Subsection (2); and

5230 (ii) administer the grant program for LEAs described in this section; and
5231 (b) the department shall make rules to administer the grant program for eligible private
5232 providers described in this section.

5233 Section 125. Section **53F-5-304**, which is renumbered from Section 53A-1b-205 is
5234 renumbered and amended to read:

5235 **~~[53A-1b-205].~~ 53F-5-304. Home-based technology high quality school**
5236 **readiness program.**

5237 (1) (a) The board shall offer a home-based technology high quality school readiness
5238 program to eligible students by awarding contracts to one or more home-based technology
5239 providers, as described in this section.

5240 (b) The board shall solicit proposals from eligible home-based technology providers to
5241 provide high quality school readiness programs for eligible students to participate in:

5242 (i) at home;

5243 (ii) as part of a school readiness program offered by an LEA or private provider; or

5244 (iii) in any other setting where Internet access is available, such as a library.

5245 (c) The home-based technology high quality school readiness program described in this
5246 section is established in the public education system.

5247 (2) An eligible home-based technology provider that responds to the solicitation
5248 described in Subsection (1) shall submit a proposal describing:

5249 (a) how the home-based technology provider's school readiness program meets the
5250 elements of a high quality school readiness program described in Subsection ~~[53A-1b-105]~~
5251 53F-6-304(2);

5252 (b) how the home-based technology provider intends to target the home-based
5253 technology provider's school readiness program to eligible students who are at the highest risk,
5254 as determined by the board;

5255 (c) the cost of the program per student;

5256 (d) the cost of a statewide license;

5257 (e) existing or planned partnerships between the home-based technology provider and
5258 an LEA or eligible private provider; and

5259 (f) the results of all evaluations of the home-based technology provider's school
5260 readiness program.

5261 (3) For each proposal received under Subsection (2), the board shall:
5262 (a) determine if the program is a high quality school readiness program using the tool
5263 described in Subsection [~~53A-1b-204~~] 53F-5-303(2); and
5264 (b) receive a demonstration of the home-based technology.
5265 (4) (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter
5266 6a, Utah Procurement Code, the board shall award contracts to one or more home-based
5267 technology providers to provide home-based school readiness programs.
5268 (b) The board may only award a contract to a home-based technology provider if the
5269 home-based technology provider:
5270 (i) submits a proposal that includes the information described in Subsection (2);
5271 (ii) offers a high quality school readiness program; and
5272 (iii) agrees to the evaluation requirements described in Section [~~53A-1b-208~~]
5273 53F-5-307.
5274 (5) In evaluating a proposal received under Subsection (2), the board shall consider:
5275 (a) the number and percent of eligible students that the respondent intends to serve;
5276 (b) the extent to which the respondent intends to participate in a partnership with an
5277 LEA or eligible private provider;
5278 (c) the extent to which the respondent is able to reach students who do not have access
5279 to other high quality school readiness programs; and
5280 (d) the cost per student.
5281 (6) A home-based technology provider that receives a contract under this section:
5282 (a) shall use the funding to provide a high quality school readiness program to eligible
5283 students; and
5284 (b) may use the funding for the installation of computer or Internet access in homes of
5285 eligible students whose families cannot afford the equipment or services.
5286 (7) The board shall ensure that a home-based technology provider that receives a grant
5287 under this section funded by TANF funds uses the grant to provide a home-based high quality
5288 school readiness program to eligible students who are eligible to receive TANF funded
5289 assistance.
5290 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5291 board shall make rules to implement this section.

Section 126. Section **53F-5-305**, which is renumbered from Section 53A-1b-206 is renumbered and amended to read:

~~[53A-1b-206].~~ 53F-5-305. Intergenerational Poverty School Readiness Scholarship Program.

(1) There is created the Intergenerational Poverty School Readiness Scholarship Program to provide an eligible student experiencing intergenerational poverty access to a high quality school readiness program.

(2) The department shall, in accordance with Section 35A-9-401:

(a) determine if an individual is eligible for an IGP scholarship; and

(b) award an IGP scholarship.

(3) (a) (i) An LEA or home-based technology provider may apply to the board to receive a designation as a high quality school readiness program.

(ii) The board shall determine if an LEA or home-based technology provider offers a high quality school readiness program using the tool described in Subsection ~~[53A-1b-204]~~ 53F-5-303(2).

(b) (i) An eligible private provider may apply to the department to receive a designation as a high quality school readiness program.

(ii) The department shall determine if an eligible private provider offers a high quality school readiness program using the tool described in Subsection ~~[53A-1b-204]~~ 53F-5-303(2).

(4) (a) The department and the board shall coordinate to assist a parent or legal guardian of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high quality school readiness program:

(i) offered by an LEA, eligible private provider, or eligible home-based technology provider; and

(ii) of the parent or legal guardian's choice.

(b) The department shall pay the scholarship amount directly to a high quality school readiness program in which an IGP scholarship recipient enrolls.

(5) (a) Except as provided in Subsection (5)(b), the department may not provide an individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based technology provider unless the LEA, eligible private provider, or eligible home-based technology provider offers a high quality school readiness program, as determined by the board

5323 or the department under Subsection (3).

5324 (b) An LEA, eligible private provider, or eligible home-based technology provider that
5325 receives a determination as a high quality school readiness program under Section
5326 [~~53A-1b-204~~] 53F-5-303 or [~~53A-1b-206~~] 53F-5-305 may enroll an IGP scholarship recipient.

5327 Section 127. Section **53F-5-306**, which is renumbered from Section 53A-1b-207 is
5328 renumbered and amended to read:

5329 ~~[53A-1b-207].~~ **53F-5-306. Early childhood teacher training.**

5330 (1) Subject to legislative appropriations, the department shall provide training to early
5331 childhood teachers by providing:

5332 (a) a scholarship for individuals who intend to receive a Child Development Associate
5333 Credential; and

5334 (b) consulting services to assist individuals to complete a Child Development
5335 Associate Credential.

5336 (2) The department shall conduct an annual needs assessment to determine the number
5337 of scholarships to award each year.

5338 (3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
5339 Administrative Rulemaking Act, to implement this section.

5340 Section 128. Section **53F-5-307**, which is renumbered from Section 53A-1b-208 is
5341 renumbered and amended to read:

5342 ~~[53A-1b-208].~~ **53F-5-307. Evaluation -- Reporting requirements.**

5343 (1) In accordance with this section, the board, in coordination with the department,
5344 shall oversee the ongoing review and evaluation by an independent evaluator for each school
5345 year of:

5346 (a) the Student Access to High Quality School Readiness Programs Grant Program
5347 described in Section [~~53A-1b-204~~] 53F-5-303;

5348 (b) the home-based technology high quality school readiness program described in
5349 Section [~~53A-1b-205~~] 53F-5-304;

5350 (c) the Intergenerational Poverty School Readiness Scholarship Program described in
5351 Section [~~53A-1b-206~~] 53F-5-305; and

5352 (d) early childhood teacher training described in Section [~~53A-1b-207~~] 53F-5-306.

5353 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board

5354 shall enter into a contract with an independent evaluator to assist the board in the evaluation
5355 process.

5356 (b) In selecting an independent evaluator, the board shall select an evaluator that:

5357 (i) has the capacity to meet the requirements described in Subsection (3);

5358 (ii) has a background in designing and conducting rigorous evaluations;

5359 (iii) has a demonstrated ability to monitor and evaluate a program over an extended
5360 period of time;

5361 (iv) is independent from agencies or providers implementing high quality school
5362 readiness programs funded under this part; and

5363 (v) has experience in early childhood education or early childhood education
5364 evaluation.

5365 (c) The board may not enter into a contract with an independent evaluator without
5366 obtaining approval from the department.

5367 (3) Under the direction of the board, with input from the department, the independent
5368 evaluator selected under Subsection (2) shall:

5369 (a) design an evaluation methodology that:

5370 (i) assesses the effects of a high quality school readiness program on an eligible
5371 student's:

5372 (A) readiness for kindergarten, using a uniform assessment methodology that includes
5373 a pre- and post-test chosen in coordination with the board;

5374 (B) ability, as determined by following the student longitudinally, to meet grade 3 core
5375 standards for Utah public schools, established by the board under Section [~~53A-1-402.6~~]
5376 53E-4-202, by the end of the student's grade 3 year; and

5377 (C) attainment of a high school diploma or other completion certificate, as determined
5378 by following the student longitudinally; and

5379 (ii) allows for comparisons between students with similar demographic characteristics
5380 who complete a high quality school readiness program and students who do not; and

5381 (b) conduct an annual evaluation of the programs described in Subsection (1).

5382 (4) To assist the independent evaluator selected under Subsection (2) in completing the
5383 evaluation required under Subsection (3):

5384 (a) an LEA that receives a grant under Section [~~53A-1b-204~~] 53F-5-303, or enrolls an

IGP scholarship recipient under Section ~~[53A-1b-206]~~ 53F-5-305, shall assign a statewide unique student identifier to each student who participates in the LEA's school readiness program;

(b) an eligible private provider that receives a grant described in Section ~~[53A-1b-204]~~ 53F-5-303 or an eligible home-based technology provider that receives a contract described in Section ~~[53A-1b-205]~~ 53F-5-304 shall work in conjunction with the board to assign a statewide unique student identifier to each student who is enrolled in the provider's school readiness program in the student's last year before kindergarten; and

(c) an eligible private provider or eligible home-based technology provider that receives an IGP scholarship under Section ~~[53A-1b-206]~~ 53F-5-305 shall work in conjunction with the board to assign a statewide unique student identifier to each student who is funded by an IGP scholarship.

(5) The board and the department shall report annually, on or before November 1, to the Education Interim Committee on the results of an evaluation conducted under this section.

Section 129. Section **53F-5-401**, which is renumbered from Section 53A-4-302 is renumbered and amended to read:

Part 4. Partnerships for Student Success Grant Program

~~[53A-4-302].~~ **53F-5-401. Definitions.**

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Eligible elementary school" or "eligible junior high school" means a district school or charter school that has at least 50% of the school's students with a family income at or below 185% of the federal poverty level.

(3) "Eligible partnership" means a partnership that:

(a) includes at least:

(i) a local education agency that has designated an eligible school feeder pattern;

(ii) a local nonprofit organization;

(iii) a private business;

(iv) a municipality or county in which the eligible school feeder pattern is located;

(v) an institution of higher education within the state;

(vi) a state or local government agency that provides services to students attending

5416 schools within the eligible school feeder pattern;
 5417 (vii) a local philanthropic organization; and
 5418 (viii) a local health care organization; and
 5419 (b) has designated a local education agency or local nonprofit organization to act as
 5420 lead applicant for a grant described in this part.

5421 (4) "Eligible school feeder pattern" means the succession of schools that a student
 5422 enrolls in as the student progresses from kindergarten through grade 12 that includes, as
 5423 designated by a local education agency:

5424 (a) a high school;
 5425 (b) an eligible junior high school that:
 5426 (i) is a district school within the geographic boundary of the high school described in
 5427 Subsection (4)(a); or
 5428 (ii) is a charter school that sends at least 50% of the charter school's students to the
 5429 high school described in Subsection (4)(a); and
 5430 (c) an eligible elementary school that:
 5431 (i) is a district school within the geographic boundary of the high school described in
 5432 Subsection (4)(a); or
 5433 (ii) is a charter school that sends at least 50% of the charter school's students to the
 5434 junior high school described in Subsection (4)(b).

5435 (5) "Local education agency" means a school district or charter school.

5436 Section 130. Section **53F-5-402**, which is renumbered from Section 53A-4-303 is
 5437 renumbered and amended to read:

5438 **~~[53A-4-303].~~ 53F-5-402. Partnerships for Student Success Grant Program**
 5439 **established.**

5440 (1) There is created the Partnerships for Student Success Grant Program to improve
 5441 educational outcomes for low income students through the formation of cross sector
 5442 partnerships that use data to align and improve efforts focused on student success.

5443 (2) Subject to legislative appropriations, the board shall award grants to eligible
 5444 partnerships that enter into a memorandum of understanding between the members of the
 5445 eligible partnership to plan or implement a partnership that:

5446 (a) establishes shared goals, outcomes, and measurement practices based on unique

5447 community needs and interests that:

5448 (i) are aligned with the recommendations of the five- and ten-year plan to address
5449 intergenerational poverty described in Section 35A-9-303; and

5450 (ii) address, for students attending a school within an eligible school feeder pattern:

5451 (A) kindergarten readiness;

5452 (B) grade 3 mathematics and reading proficiency;

5453 (C) grade 8 mathematics and reading proficiency;

5454 (D) high school graduation;

5455 (E) postsecondary education attainment;

5456 (F) physical and mental health; and

5457 (G) development of career skills and readiness;

5458 (b) coordinates and aligns services to:

5459 (i) students attending schools within an eligible school feeder pattern; and

5460 (ii) the families and communities of the students within an eligible school feeder
5461 pattern;

5462 (c) implements a system for:

5463 (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with
5464 state and federal law; and

5465 (ii) accountability for shared goals and outcomes; and

5466 (d) commits to providing matching funds as described in Section [~~53A-4-304~~]

5467 53F-5-403.

5468 (3) In making grant award determinations, the board shall prioritize funding for an
5469 eligible partnership that:

5470 (a) includes a low performing school as determined by the board; or

5471 (b) addresses parent and community engagement.

5472 (4) In awarding grants under this part, the board:

5473 (a) shall distribute funds to the lead applicant designated by the eligible partnership as
5474 described in Section [~~53A-4-302~~] 53F-5-401; and

5475 (b) may not award more than \$500,000 per fiscal year to an eligible partnership.

5476 Section 131. Section **53F-5-403**, which is renumbered from Section 53A-4-304 is
5477 renumbered and amended to read:

5478 ~~[53A-4-304].~~ **53F-5-403. Matching funds -- Grantee requirements.**

5479 (1) (a) The board may not award a grant to an eligible partnership unless the eligible
5480 partnership provides matching funds equal to two times the amount of the grant.

5481 (b) The board shall ensure that at least half of the matching funds provided under
5482 Subsection (1)(a) are provided by a local education agency.

5483 (c) Matching funds may include cash or an in-kind contribution.

5484 (2) A partnership that receives a grant under this part shall:

5485 (a) select and contract with a technical assistance provider identified by the board as
5486 described in Section ~~[53A-4-305]~~ 53F-5-404;

5487 (b) continually assess progress toward reaching shared goals and outcomes;

5488 (c) publish results of the continual assessment described in Subsection (2)(b) on an
5489 annual basis;

5490 (d) regularly report to the board in accordance with rules established by the board
5491 under Section ~~[53A-4-307]~~ 53F-5-406; and

5492 (e) as requested, share information and data with the third party evaluator described in
5493 Section ~~[53A-4-306]~~ 53F-5-405, in accordance with state and federal law.

5494 (3) A partnership that receives a grant under this part may use grant funds only for the
5495 following purposes:

5496 (a) to contract with a technical assistance provider identified by the board as described
5497 in Section ~~[53A-4-305]~~ 53F-5-404; and

5498 (b) to plan or implement a partnership, including:

5499 (i) for project management;

5500 (ii) for planning and adaptation of services and strategies;

5501 (iii) to coordinate services;

5502 (iv) to establish and implement shared measurement practices;

5503 (v) to produce communication materials and conduct outreach activities to build public
5504 support;

5505 (vi) to establish data privacy and sharing agreements, in accordance with state and
5506 federal law;

5507 (vii) to purchase infrastructure, hardware, and software to collect and store data; or

5508 (viii) to analyze data.

(4) (a) The board shall establish interventions for a partnership that:

(i) fails to comply with the requirements described in this section; or

(ii) is not making progress toward reaching the shared goals and outcomes established by the partnership as described in Section ~~[53A-4-303]~~ 53F-5-402.

(b) An intervention under Subsection (4)(a) may include discontinuing or reducing funding.

Section 132. Section **53F-5-404**, which is renumbered from Section 53A-4-305 is renumbered and amended to read:

~~[53A-4-305]~~. **53F-5-404. Technical assistance.**

(1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall identify two or more technical assistance providers that a partnership may select from to assist the partnership in:

(a) establishing shared goals, outcomes, and measurement practices;

(b) creating the capabilities to achieve shared goals and outcomes that may include providing leadership development training to members of the partnership; and

(c) using data to align and improve efforts focused on student success.

(2) In identifying technical assistance providers under this section the board shall identify providers that have a credible track record of providing technical assistance as described in Subsection (1).

Section 133. Section **53F-5-405**, which is renumbered from Section 53A-4-306 is renumbered and amended to read:

~~[53A-4-306]~~. **53F-5-405. Independent evaluation -- Reporting.**

(1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall contract with an independent evaluator to annually evaluate a partnership that receives a grant under this part.

(2) The evaluation described in Subsection (1) shall:

(a) assess implementation of a partnership, including the extent to which members of a partnership:

(i) share data to align and improve efforts focused on student success; and

(ii) meet regularly and communicate authentically; and

(b) assess the impact of a partnership on student outcomes using appropriate statistical

5540 evaluation methods.

5541 (3) In identifying an independent evaluator under Subsection (1), the board shall
5542 identify an evaluator that:

5543 (a) has a credible track record of conducting evaluations as described in Subsection (2);
5544 and

5545 (b) is independent of any member of the partnership and does not otherwise have a
5546 vested interest in the outcome of the evaluation.

5547 (4) Beginning in the 2017-18 school year, the board shall ensure that the independent
5548 evaluator:

5549 (a) prepares an annual written report of an evaluation conducted under this section; and

5550 (b) annually submits the report to the Education Interim Committee.

5551 Section 134. Section **53F-5-406**, which is renumbered from Section 53A-4-307 is
5552 renumbered and amended to read:

5553 ~~[53A-4-307].~~ **53F-5-406. Rules.**

5554 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5555 board shall make rules to administer the Partnerships for Student Success Grant Program in
5556 accordance with this part.

5557 Section 135. Section **53F-5-501**, which is renumbered from Section 53A-15-1802 is
5558 renumbered and amended to read:

5559 **Part 5. Competency-Based Education Grants Program**

5560 ~~[53A-15-1802].~~ **53F-5-501. Definitions.**

5561 As used in this part:

5562 (1) "Blended learning" means a formal education program in which a student learns:

5563 (a) at least in part, through online learning with some element of student control over
5564 time, place, path, and pace;

5565 (b) at least in part, in a supervised brick-and-mortar location away from home; and

5566 (c) in a program in which the modalities along each student's learning path within a
5567 course or subject are connected to provide an integrated learning experience.

5568 (2) "Board" means the State Board of Education.

5569 (3) "Competency-Based education" means a system where a student advances to higher
5570 levels of learning when the student demonstrates competency of concepts and skills regardless

5571 of time, place, or pace.

5572 (4) "Extended learning" means learning opportunities outside of a traditional school
5573 structure, including:

5574 (a) online learning available anywhere, anytime;

5575 (b) career-based experiences, including internships and job shadowing;

5576 (c) community-based projects; and

5577 (d) off-site postsecondary learning.

5578 (5) "Grant program" means the Competency-Based Education Grants Program created
5579 in this part.

5580 (6) "Institution of higher education" means an institution listed in Section 53B-1-102.

5581 (7) "Local education agency" or "LEA" means:

5582 (a) a school district;

5583 (b) a charter school; or

5584 (c) the Utah Schools for the Deaf and the Blind.

5585 (8) "Review committee" means the committee established under Section

5586 [~~53A-15-1803~~] 53F-5-502.

5587 (9) "STEM" means science, technology, engineering, and mathematics.

5588 Section 136. Section **53F-5-502**, which is renumbered from Section 53A-15-1803 is
5589 renumbered and amended to read:

5590 **[~~53A-15-1803~~]. 53F-5-502. Competency-Based Education Grants Program --**
5591 **Board duties -- Review committee -- Technical assistance training.**

5592 (1) There is created the Competency-Based Education Grants Program consisting of
5593 the grants created in this part to improve educational outcomes in public schools by advancing
5594 student mastery of concepts and skills through the following core principles:

5595 (a) student advancement upon mastery of a concept or skill;

5596 (b) competencies that include explicit, measurable, and transferable learning objectives
5597 that empower a student;

5598 (c) assessment that is meaningful and provides a positive learning experience for a
5599 student;

5600 (d) timely, differentiated support based on a student's individual learning needs; and

5601 (e) learning outcomes that emphasize competencies that include application and

5602 creation of knowledge along with the development of important skills and dispositions.

5603 (2) The grant program shall incentivize an LEA to establish competency-based

5604 education within the LEA through the use of:

5605 (a) personalized learning;

5606 (b) blended learning;

5607 (c) extended learning;

5608 (d) educator professional learning in competency-based education; or

5609 (e) any other method that emphasizes the core principles described in Subsection (1).

5610 (3) The board shall:

5611 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

5612 adopt rules:

5613 (i) for the administration of the grant program and awarding of grants; and

5614 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that

5615 is awarded a grant under this part to use to measure the performance of the LEA's plan or

5616 program;

5617 (b) establish a grant application process;

5618 (c) in accordance with Subsection (4), establish a review committee to make

5619 recommendations to the board for:

5620 (i) metrics to analyze the quality of a grant application; and

5621 (ii) approval of a grant application; and

5622 (d) with input from the review committee, adopt metrics to analyze the quality of a

5623 grant application.

5624 (4) (a) The review committee shall consist of STEM and blended learning experts,

5625 current and former school administrators, current and former teachers, and at least one former

5626 school district superintendent, in addition to other staff designated by the board.

5627 (b) The review committee shall:

5628 (i) review a grant application submitted by an LEA;

5629 (ii) make recommendations to the LEA to modify the application, if necessary; and

5630 (iii) make recommendations to the board regarding the final disposition of an

5631 application.

5632 (5) (a) The board shall provide technical assistance training to assist an LEA with a

5633 grant application under this part.

5634 (b) An LEA may not apply for a grant under this part unless:

5635 (i) a representative of the LEA attends the technical assistance training before the LEA
5636 submits a grant application; and

5637 (ii) the representative is a superintendent, principal, or a person in a leadership position
5638 within the LEA.

5639 (c) The technical assistance training shall include:

5640 (i) instructions on completing a grant application, including grant application
5641 requirements;

5642 (ii) information on the scoring metrics used to review a grant application; and

5643 (iii) information on competency-based education.

5644 (6) The board may use up to 5% of an appropriation provided to fund this part for
5645 administration of the grant program.

5646 Section 137. Section **53F-5-503**, which is renumbered from Section 53A-15-1804 is
5647 renumbered and amended to read:

5648 **[53A-15-1804]. 53F-5-503. Planning grants -- Requirements.**

5649 (1) (a) The board shall, subject to legislative appropriations, award a planning grant to,
5650 subject to Subsection (1)(c), an LEA:

5651 (i) that submits a planning grant application that meets the requirements established by
5652 the board, subject to Subsection (2);

5653 (ii) if an LEA designee has attended the technical assistance training described in
5654 Section ~~[53A-15-1803]~~ 53F-5-502; and

5655 (iii) if the LEA planning grant application has been recommended by the review
5656 committee.

5657 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
5658 no later than one calendar year after receiving the funds.

5659 (c) The board may not select more than three LEAs to award planning grants to under
5660 this section.

5661 (2) (a) A planning grant application shall include evidence that the LEA:

5662 (i) can provide a general description of the program the LEA would like to plan;

5663 (ii) is intending to plan for:

5664 (A) schoolwide implementation; or
 5665 (B) if the LEA intends to implement initially with a population smaller than
 5666 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
 5667 (iii) can describe the types of partners that will help with the plan and, eventually,
 5668 implement the program;
 5669 (iv) planning activities and program will focus on:
 5670 (A) implementation of the core principles described in Section [~~53A-15-1803~~]
 5671 53F-5-502;
 5672 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] 53F-5-502;
 5673 and
 5674 (C) the outcome-based measures adopted by the board under Section [~~53A-15-1803~~]
 5675 53F-5-502;
 5676 (v) has:
 5677 (A) the capacity, qualifications, local governing body support, and time to successfully
 5678 plan the program; and
 5679 (B) an intentional and feasible planning process;
 5680 (vi) will align the LEA's budget as necessary with the planning process; and
 5681 (vii) will communicate and promote the plan with parents, teachers, and members of
 5682 the community.
 5683 (b) The board may adopt other requirements in addition to the requirements in
 5684 Subsection (2)(a).
 5685 Section 138. Section **53F-5-504**, which is renumbered from Section 53A-15-1805 is
 5686 renumbered and amended to read:
 5687 **[~~53A-15-1805~~]. 53F-5-504. Implementation grants -- Requirements.**
 5688 (1) (a) The board shall, subject to legislative appropriations, award an implementation
 5689 grant to, subject to Subsection (1)(c), an LEA:
 5690 (i) that submits an implementation grant application that meets the requirements
 5691 established by the board, subject to Subsection (2);
 5692 (ii) if an LEA designee has attended the technical assistance training described in
 5693 Section [~~53A-15-1803~~] 53F-5-502; and
 5694 (iii) if the LEA implementation grant application has been recommended by the review

5695 committee.

5696 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
5697 no later than two calendar years after receiving the funds.

5698 (c) An LEA is not eligible to receive an implementation grant under this section unless
5699 the board has previously awarded the LEA a planning grant under Section [~~53A-15-1804~~]
5700 53F-5-503.

5701 (2) (a) An implementation grant application shall include evidence that the LEA:

5702 (i) can logically articulate the proposed program's mission, theory of change, and the
5703 program's intended goals and outcomes;

5704 (ii) (A) program will have schoolwide implementation; or

5705 (B) if the LEA intends to implement initially with a population smaller than
5706 schoolwide, program includes steps to phase the program in schoolwide or districtwide over a
5707 specified period of time;

5708 (iii) has an understanding of similar programs and can use this knowledge to strengthen
5709 the LEA's program implementation;

5710 (iv) program will focus on:

5711 (A) direct alignment with the core principles described in Section [~~53A-15-1803~~]

5712 53F-5-502;

5713 (B) use of the methods, as applicable, described in Section [~~53A-15-1803~~] 53F-5-502;

5714 and

5715 (C) the outcome based measures adopted by the board under Section [~~53A-15-1803~~]

5716 53F-5-502;

5717 (v) program will address a need, determined by data, in the LEA or community;

5718 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
5719 program against the stated goals and objectives;

5720 (vii) has a list of signatures of key stakeholders and partners who are committed to
5721 implementing the program;

5722 (viii) has the capacity, qualifications, local governing body support, and time to
5723 successfully implement this program;

5724 (ix) has an intentional and feasible scope of work to implement the program;

5725 (x) will align the LEA's budget as necessary with the planning process; and

(xi) will communicate and promote the plan with parents, teachers, and members of the community.

(b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).

(3) A program under this section may include:

(a) a waiver, subject to Section [~~53A-15-1807~~] 53F-5-506, of required school hours attended or traditional school calendar scheduling; and

(b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Section 139. Section **53F-5-505**, which is renumbered from Section 53A-15-1806 is renumbered and amended to read:

~~[53A-15-1806].~~ **53F-5-505. Expansion grants -- Requirements.**

(1) (a) The board shall, subject to legislative appropriations and to expand an existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an LEA:

(i) that submits an expansion grant application that meets the requirements established by the board, subject to Subsection (2);

(ii) if an LEA designee has attended the technical assistance training described in Section [~~53A-15-1803~~] 53F-5-502; and

(iii) if the LEA expansion grant application has been recommended by the review committee.

(b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.

(c) An LEA is not eligible to receive an expansion grant under this section unless the board has previously awarded the LEA an implementation grant under Section [~~53A-15-1805~~] 53F-5-504.

(2) (a) An expansion grant application shall include evidence that the LEA:

(i) has an established program that:

(A) has successfully met previous goals;

(B) has shown outcomes that are in alignment with the core principles described in

Section [~~53A-15-1803~~] 53F-5-502 and used methods, as applicable, described in Section

5757 ~~[53A-15-1803]~~ 53F-5-502;

5758 (C) is supported by LEA management and leadership;

5759 (D) is suitable for expansion schoolwide or districtwide; and

5760 (E) is the program, with any necessary modifications, that the LEA plans to expand if
5761 awarded the expansion grant;

5762 (ii) can logically articulate the LEA's program mission, theory of change, and the
5763 program's intended goals and outcomes;

5764 (iii) program as proposed for expansion is focused on:

5765 (A) direct alignment with the core principles identified in Section ~~[53A-15-1803]~~
5766 53F-5-502;

5767 (B) use of the methods, as applicable, described in Section ~~[53A-15-1803]~~ 53F-5-502;
5768 and

5769 (C) the outcome based measures adopted by the board under Section ~~[53A-15-1803]~~
5770 53F-5-502;

5771 (iv) that the program will directly address a need, determined by data, in the LEA or
5772 community;

5773 (v) has clearly articulated core components that ensure, when expanded, the program
5774 will yield positive outcomes;

5775 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
5776 program against the stated goals and objectives;

5777 (vii) has a list of signatures of key stakeholders and partners who are committed to
5778 expanding the program;

5779 (viii) has the capacity, qualifications, local governing body support, and time to
5780 successfully expand the program;

5781 (ix) has an intentional and feasible scope of work to expand the program;

5782 (x) has a strategic budget that is aligned with the LEA's scope of work; and

5783 (xi) will communicate and promote the plan with parents, teachers, and members of the
5784 community.

5785 (b) The board may adopt other requirements in addition to the requirements in
5786 Subsection (2)(a).

5787 (3) A program under this section may include:

5788 (a) a waiver, subject to Section [~~53A-15-1807~~] 53F-5-506, of required school hours
5789 attended or traditional school calendar scheduling; and

5790 (b) an adjustment of educator compensation to reflect the implementation of a waiver
5791 under Subsection (3)(a).

5792 Section 140. Section **53F-5-506**, which is renumbered from Section 53A-15-1807 is
5793 renumbered and amended to read:

5794 **[~~53A-15-1807~~]. 53F-5-506. Waiver from board rule -- Board recommended**
5795 **statutory changes.**

5796 (1) An LEA may apply to the board in a grant application submitted under this part for
5797 a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in
5798 its grant application.

5799 (2) The board may grant the waiver, unless:

5800 (a) the waiver would cause the LEA to be in violation of state or federal law; or

5801 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

5802 (3) If the board denies the waiver, the board shall provide in writing the reason for the
5803 denial to the waiver applicant.

5804 (4) (a) The board shall request from each LEA that receives a grant under this part for
5805 each year the LEA receives funds:

5806 (i) information on a state statute that hinders an LEA from fully implementing the
5807 LEA's program; and

5808 (ii) suggested changes to the statute.

5809 (b) The board shall, in a written report, provide any information received from an LEA
5810 under Subsection (4)(a) and the board's recommendations to the Legislature no later than
5811 November 30 of each year.

5812 Section 141. Section **53F-5-507**, which is renumbered from Section 53A-15-1808 is
5813 renumbered and amended to read:

5814 **[~~53A-15-1808~~]. 53F-5-507. Cooperation of institutions of higher education --**
5815 **Transferring students not to be penalized.**

5816 (1) An institution of higher education:

5817 (a) shall recognize and accept on equal footing as a traditional high school diploma a
5818 high school diploma awarded to a student who successfully completes an educational program

that uses, in whole or in part, competency-based education; and

(b) cooperate with an LEA:

(i) as applicable, to facilitate the advancement of a student who attends a competency-based education program; and

(ii) as requested, in the development of an LEA plan or program under this part.

(2) If a student attending an LEA that establishes competency-based education within the LEA transfers to another school within the LEA or to another LEA entirely that does not have a competency-based education program, the student may not be penalized by being required to repeat course work that the student has successfully completed, changing the student's grade, or receive any other penalty related to the student's previous attendance in the competency-based education program.

Section 142. Section **53F-5-601**, which is renumbered from Section 53A-31-402 is renumbered and amended to read:

Part 6. American Indian and Alaskan Native Education State Plan Pilot Program

~~[53A-31-402].~~ **53F-5-601. Definitions.**

(1) The terms defined in Section 53E-10-401 apply to this section.

(2) As used in this part:

~~[(1)]~~ (a) "American Indian and Alaskan Native concentrated school" means a school where at least 29% of its students are American Indian or Alaskan Native.

~~[(2)]~~ (b) "Board" means the State Board of Education.

~~[(3)]~~ (c) "Teacher" means an individual employed by a school district or charter school who is required to hold an educator license issued by the board and who has an assignment to teach in a classroom.

Section 143. Section **53F-5-602**, which is renumbered from Section 53A-31-403 is renumbered and amended to read:

~~[53A-31-403].~~ **53F-5-602. Pilot programs created.**

(1) (a) ~~[Beginning]~~ In addition to the state plan described in Title 53E, Chapter 10, Part 4, American Indian-Alaskan Native Education State Plan, beginning with fiscal year 2016-2017, there is created a five-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.

(b) The pilot program shall consist of a grant program to school districts and charter

schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.

(2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.

(b) The pilot program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.

(c) In determining grant recipients under this Subsection (2), the board shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives.

(3) Up to 3% of the money appropriated to a grant program under this part may be used by the board for costs in implementing the pilot program.

Section 144. Section **53F-5-603**, which is renumbered from Section 53A-31-404 is renumbered and amended to read:

~~[53A-31-404].~~ **53F-5-603. Grant program to school districts and charter schools.**

(1) From money appropriated to the grant program, the board shall distribute grant money on a competitive basis to a school district or charter school that applies for a grant and:

(a) (i) has within the school district one or more American Indian and Alaskan Native concentrated schools; or

(ii) is an American Indian and Alaskan Native concentrated school; and

(b) has a program to fund stipends, recruitment, retention, and professional development of teachers who teach at American Indian and Alaskan Native concentrated schools.

(2) The grant money distributed under this section may only be expended to fund a program described in Subsection (1)(b).

(3) (a) If a school district or charter school obtains a grant under this section, by no later than two years from the date the school district or charter school obtains the grant, the board shall review the implementation of the program described in Subsection (1)(b) to

determine whether:

(i) the program is effective in addressing the need to retain teachers at American Indian and Alaskan Native concentrated schools; and

(ii) the money is being spent for a purpose not covered by the program described in Subsection (1)(b).

(b) If the board determines that the program is not effective or that the money is being spent for a purpose not covered by the program described in Subsection (1)(b), the board may terminate the grant money being distributed to the school district or charter school.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules providing:

(a) criteria for evaluating grant applications; and

(b) procedures for:

(i) a school district to apply to the board to receive grant money under this section; and

(ii) the review of the use of grant money described in Subsection (3).

(5) The grant money is intended to supplement and not replace existing money supporting American Indian and Alaskan Native concentrated schools.

Section 145. Section **53F-5-604**, which is renumbered from Section 53A-31-405 is renumbered and amended to read:

~~[53A-31-405].~~ 53F-5-604. Reporting -- Meeting.

(1) The liaison shall annually report to the Native American Legislative Liaison Committee during the term of a pilot program under this part regarding:

(a) what entities receive a grant under this part;

(b) the effectiveness of the expenditures of grant money; and

(c) recommendations, if any, for additional legislative action.

(2) The Native American Legislative Liaison Committee shall annually schedule at least one meeting at which education is discussed with selected stakeholders.

Section 146. Section **53F-6-101** is enacted to read:

CHAPTER 6. STATE FUNDING -- PROGRAMS ADMINISTERED

BY OTHER AGENCIES

Part 1. General Provisions

53F-6-101. Title.

5912 This chapter is known as "State Funding -- Programs Administered by Other Agencies."

5913 Section 147. Section **53F-6-102** is enacted to read:

5914 **53F-6-102. Definitions.**

5915 Reserved

5916 Section 148. Section **53F-6-201**, which is renumbered from Section 53A-13-106.5 is
5917 renumbered and amended to read:

5918 **Part 2. Miscellaneous Programs**

5919 **[53A-13-106.5]. 53F-6-201. Firearm Safety and Violence Prevention Pilot**
5920 **Program.**

5921 (1) As used in this section:

5922 (a) "District school" means a public school under the control of a local school board
5923 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
5924 Boards.

5925 (b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short
5926 barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a
5927 projectile by action of an explosive.

5928 (c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program
5929 created under Subsection (2).

5930 (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide
5931 instruction that a public school may offer to a student in any of grades 5 through 12 on:

5932 (a) firearm safety, including:

5933 (i) developing the knowledge, habits, skills, and attitudes necessary for the safe
5934 handling of firearms; and

5935 (ii) teaching a student that to avoid injury when the student finds a firearm the student
5936 should:

5937 (A) not touch the firearm;

5938 (B) tell an adult about finding the firearm and the location of the firearm; and

5939 (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other
5940 minors who are with the student when the student finds the firearm; and

5941 (b) what to do if the student becomes aware of a threat against the school.

5942 (3) The instruction described in Subsection (2):

5943 (a) may be delivered:

5944 (i) in a public school using live instruction or a video or online materials; or

5945 (ii) at home using a video or online materials; and

5946 (b) shall be neutral of political statements on guns.

5947 (4) The Office of the Attorney General, in collaboration with the State Board of

5948 Education, shall select one or more providers, through the standard procurement process or an

5949 exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah

5950 Procurement Code, to supply materials and curriculum for the pilot program.

5951 (5) (a) A district school or charter school may participate in the pilot program, subject

5952 to approval by the district school's local school board or charter school's charter school

5953 governing board.

5954 (b) A district school or charter school that chooses to participate in the pilot program:

5955 (i) shall use the materials and curriculum supplied by the provider selected under

5956 Subsection (4);

5957 (ii) may permit the following to provide instruction on a voluntary basis:

5958 (A) the Division of Wildlife Resources;

5959 (B) a local law enforcement agency;

5960 (C) a peace officer, as defined in Section 53-13-102; or

5961 (D) another certified firearms safety instructor, as defined in rules made by the State

5962 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

5963 Act; and

5964 (iii) shall ensure that a firearm is not used in providing the instruction.

5965 (c) A student may not be given the instruction described in Subsection (2) unless the

5966 student's parent or legal guardian has given prior written consent.

5967 (6) The Office of the Attorney General, in collaboration with the State Board of

5968 Education, shall evaluate the pilot program and report to the Law Enforcement and Criminal

5969 Justice Interim Committee on or before December 1, 2018.

5970 Section 149. Section **53F-6-202**, which is renumbered from Section 53A-1-709 is

5971 renumbered and amended to read:

5972 **[53A-1-709]. 53F-6-202. Smart School Technology Program.**

5973 (1) As used in this section, "program" means the Smart School Technology Program.

(2) The Smart School Technology Program is created to encourage the deployment of whole-school one-to-one mobile device technology in public schools.

(3) The Board of Business and Economic Development with input from an independent evaluating committee, shall issue a request for proposals for the development and implementation of a whole-school one-to-one mobile device technology deployment plan for schools.

(4) From recommendations submitted by an independent evaluating committee, the Board of Business and Economic Development shall select a single education technology provider with integrated whole-school technology deployment experience through the request for proposals process.

(5) (a) An independent evaluating committee shall be established to:

(i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);

(ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and

(iii) advise the State Board of Education on selecting schools to participate in the program.

(b) The membership of the independent evaluating committee shall include:

(i) three members of the State Board of Education appointed by the chair of the State Board of Education;

(ii) the state chief information officer;

(iii) two members appointed by the executive director of the Governor's Office of Economic Development; and

(iv) the governor's education director.

(c) The independent evaluating committee shall evaluate a proposal on:

(i) a provider's experience with integrated whole-school technology deployment; and

(ii) the components of a whole-school technology deployment plan.

(6) An educational technology provider selected under Subsection (4) shall develop a customized whole-school one-to-one mobile device technology deployment plan for each school participating in the program.

(7) The whole-school technology deployment plan shall be based on submitted

- 6005 proposals to the committee and may include the following components:
- 6006 (a) a personal mobile learning device for each student;
- 6007 (b) desktop or laptop computers for each classroom;
- 6008 (c) peripherals and networking equipment, including a wireless network that is not
- 6009 self-interfering;
- 6010 (d) wireless audio equipment in each classroom;
- 6011 (e) digital projectors or televisions with wireless device mirroring technology;
- 6012 (f) on and off campus Internet filtering;
- 6013 (g) operating software for the technology system, including software that connects
- 6014 personal mobile learning devices among students and a teacher to facilitate classroom
- 6015 interaction;
- 6016 (h) curriculum and instructional software purchase credits per device to be used toward
- 6017 improving student outcomes with respect to the core standards for Utah public schools and
- 6018 skill building on the use of technology;
- 6019 (i) device repair and replacement criteria;
- 6020 (j) professional development for educators and technology specialists on:
- 6021 (i) the operation and use of the technology equipment; and
- 6022 (ii) accessing and using online content; and
- 6023 (k) ongoing technical support.
- 6024 (8) (a) A school within a school district, with the approval of the local school board, or
- 6025 a charter school, may submit an application to the State Board of Education to participate in the
- 6026 program.
- 6027 (b) With input from the independent evaluating committee established under
- 6028 Subsection (5), the State Board of Education shall select schools to participate in the program.
- 6029 (c) In selecting schools, the State Board of Education shall seek to include in the
- 6030 program schools:
- 6031 (i) from different regions of the state;
- 6032 (ii) from urban and rural areas;
- 6033 (iii) with a variety of economic and demographic characteristics; and
- 6034 (iv) with documented technology implementation plans, including a plan for the use of:
- 6035 (A) instructional software that improves student outcomes with respect to the core

6036 standards for Utah public schools; and

6037 (B) software that provides students with skill building on the use of technology.

6038 (d) The State Board of Education shall make rules:

6039 (i) specifying procedures and criteria to be used for selecting schools that may

6040 participate in the program; and

6041 (ii) requiring selected schools to provide matching funds to participate in the program.

6042 (9) (a) The State Board of Education, in collaboration with the education technology

6043 provider and the schools participating in the program, shall evaluate the program and submit a

6044 report on the evaluation to the Governor's Office of Economic Development and the Education

6045 Interim Committee by the committee's October meetings in 2013 and 2014.

6046 (b) The State Board of Education may contract with an independent evaluator to

6047 conduct the evaluation required in Subsection (9)(a).

6048 (c) The evaluation shall be based on the following criteria:

6049 (i) technology system functionality;

6050 (ii) school level outcomes;

6051 (iii) teacher instruction and outcomes; and

6052 (iv) student engagement and outcomes.

6053 Section 150. Section **53F-6-301**, which is renumbered from Section 53A-1b-102 is

6054 renumbered and amended to read:

6055 **Part 3. School Readiness Initiative**

6056 ~~[53A-1b-102].~~ **53F-6-301. Definitions.**

6057 As used in this part:

6058 (1) "Board" means the School Readiness Board, created in Section ~~[53A-1b-103]~~

6059 53F-6-302.

6060 (2) "Economically disadvantaged" means a student who:

6061 (a) is eligible to receive free lunch;

6062 (b) is eligible to receive reduced price lunch; or

6063 (c) (i) is not otherwise accounted for in Subsection (2)(a) or (b); and

6064 (ii) (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United

6065 States Department of Agriculture;

6066 (B) has a Declaration of Household Income on file;

6067 (C) is eligible for a fee waiver; or

6068 (D) is enrolled at a school that does not offer a lunch program and is a sibling of a
6069 student accounted for in Subsection (2)(a) or (b).

6070 (3) "Eligible home-based educational technology provider" means a provider that
6071 intends to offer a home-based educational technology program.

6072 (4) "Eligible LEA" means an LEA that has a data system capacity to collect
6073 longitudinal academic outcome data, including special education use by student, by identifying
6074 each student with a statewide unique student identifier.

6075 (5) (a) "Eligible private provider" means a child care program that:

6076 (i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39,
6077 Utah Child Care Licensing Act; or

6078 (B) is exempt from licensure under Section 26-39-403; and

6079 (ii) meets other criteria as established by the board, consistent with Utah Constitution,
6080 Article X, Section 1.

6081 (b) "Eligible private provider" does not include residential child care, as defined in
6082 Section 26-39-102.

6083 (6) "Eligible student" means a student who is economically disadvantaged.

6084 (7) "Local Education Agency" or "LEA" means a school district or charter school.

6085 (8) "Performance outcome measure" means a cost avoidance in special education use
6086 for a student at-risk for later special education placement in kindergarten through grade 12 who
6087 receives preschool education funded pursuant to a results-based school readiness contract.

6088 (9) (a) "Private entity" means a private investor or investors that enter into a
6089 results-based school readiness contract.

6090 (b) "Private entity" includes an authorized representative of the private investor or
6091 investors.

6092 (10) "Results-based school readiness contract" means a contract entered into by the
6093 board, a private entity, and a provider of early childhood education that may result in
6094 repayment to a private entity if certain performance outcome measures are achieved.

6095 (11) "Student at-risk for later special education placement" means a preschool student
6096 who, at preschool entry, scores at or below two standard deviations below the mean on the
6097 assessment selected by the board under Section ~~[53A-1b-110]~~ 53F-6-309.

6098 Section 151. Section **53F-6-302**, which is renumbered from Section 53A-1b-103 is
6099 renumbered and amended to read:

6100 ~~[53A-1b-103].~~ **53F-6-302. Establishment of the School Readiness Board --**
6101 **Membership.**

6102 (1) There is created a School Readiness Board within the Governor's Office of
6103 Management and Budget composed of:

6104 (a) the director of the Department of Workforces Services or the director's designee;

6105 (b) one member appointed by the State Board of Education;

6106 (c) one member appointed by the chair of the State Charter School Board;

6107 (d) one member appointed by the speaker of the House of Representatives; and

6108 (e) one member appointed by the president of the Senate.

6109 (2) (a) A member described in Subsections (1)(c), (d), and (e) shall serve for a term of
6110 two years.

6111 (b) If a vacancy occurs for a member described in Subsection (1)(c), (d), or (e), the
6112 person appointing the member shall appoint a replacement to serve the remainder of the
6113 member's term.

6114 (3) A member may not receive compensation or benefits for the member's service.

6115 (4) Upon request, the Governor's Office of Management and Budget shall provide staff
6116 support to the board.

6117 (5) (a) The board members shall elect a chair of the board from the board's
6118 membership.

6119 (b) The board shall meet upon the call of the chair or a majority of the board members.

6120 Section 152. Section **53F-6-303** is enacted to read:

6121 **53F-6-303. School Readiness Restricted Account.**

6122 As described in Section 53F-9-402, the School Readiness Restricted Account provides
6123 funding for this part.

6124 Section 153. Section **53F-6-304**, which is renumbered from Section 53A-1b-105 is
6125 renumbered and amended to read:

6126 ~~[53A-1b-105].~~ **53F-6-304. Elements of a high quality school readiness**
6127 **program.**

6128 (1) A high quality school readiness program run by an eligible LEA or eligible private

6129 provider shall include the following components:

6130 (a) an evidence-based curriculum that is aligned with all of the developmental domains
6131 and academic content areas defined in the Utah Early Childhood Standards adopted by the
6132 State Board of Education, and incorporates intentional and differentiated instruction in whole
6133 group, small group, and child-directed learning, including the following academic content
6134 areas:

6135 (i) oral language and listening comprehension;

6136 (ii) phonological awareness and prereading;

6137 (iii) alphabet and word knowledge;

6138 (iv) prewriting;

6139 (v) book knowledge and print awareness;

6140 (vi) numeracy;

6141 (vii) creative arts;

6142 (viii) science and technology; and

6143 (ix) social studies, health, and safety;

6144 (b) ongoing, focused, and intensive professional development for staff of the school
6145 readiness program;

6146 (c) ongoing assessment of a student's educational growth and developmental progress
6147 to inform instruction;

6148 (d) a pre- and post-assessment of each student whose parent or legal guardian consents
6149 to the assessment that, for a school readiness program receiving funding under this part, is
6150 selected by the board in accordance with Section ~~[53A-1b-110]~~ 53F-6-309;

6151 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20
6152 students, with one adult for every 10 students in the class;

6153 (f) ongoing program evaluation and data collection to monitor program goal
6154 achievement and implementation of required program components;

6155 (g) family engagement, including ongoing communication between home and school,
6156 and parent education opportunities based on each family's circumstances;

6157 (h) for a preschool program run by an eligible LEA, each teacher having at least
6158 obtained:

6159 (i) the minimum standard of a child development associate certification; or

6160 (ii) an associate or bachelor's degree in an early childhood education related field; and
6161 (i) for a preschool program run by an eligible private provider, by a teacher's second
6162 year, each teacher having at least obtained:

6163 (i) the minimum standard of a child development associate certification; or
6164 (ii) an associate or bachelor's degree in an early childhood education related field.

6165 (2) A high quality school readiness program run by a home-based educational
6166 technology provider shall:

6167 (a) be an evidence-based and age appropriate individualized interactive instruction
6168 assessment and feedback technology program that teaches eligible students early learning skills
6169 needed to be successful upon entry into kindergarten;

6170 (b) require regular parental engagement with the student in the student's use of the
6171 home-based educational technology program;

6172 (c) be aligned with the Utah early childhood core standards;

6173 (d) require the administration of a pre- and post-assessment of each student whose
6174 parent or legal guardian consents to the assessment that, for a home-based technology program
6175 that receives funding under this part, is designated by the board in accordance with Section
6176 ~~[53A-1b-110]~~ 53F-6-309; and

6177 (e) require technology providers to ensure successful implementation and utilization of
6178 the technology program.

6179 Section 154. Section **53F-6-305**, which is renumbered from Section 53A-1b-106 is
6180 renumbered and amended to read:

6181 ~~[53A-1b-106].~~ **53F-6-305. High Quality School Readiness Grant Program.**

6182 (1) The High Quality School Readiness Grant Program is created to provide grants to
6183 the following, in order to upgrade an existing preschool or home-based technology program to
6184 a high quality school readiness program:

6185 (a) an eligible private provider;
6186 (b) an eligible LEA; or
6187 (c) an eligible home-based educational technology provider.

6188 (2) The State Board of Education shall:

6189 (a) solicit proposals from eligible LEAs; and

6190 (b) make recommendations to the board to award grants to respondents based on

6191 criteria described in Subsection (5).

6192 (3) The Department of Workforce Services shall:

6193 (a) solicit proposals from eligible private providers and eligible home-based
6194 educational technology providers; and

6195 (b) make recommendations to the board to award grants to respondents based on
6196 criteria described in Subsection (5).

6197 (4) Subject to legislative appropriations, the board shall award grants to respondents
6198 based on:

6199 (a) the recommendations of the State Board of Education;

6200 (b) the recommendations of the Department of Workforce Services; and

6201 (c) the criteria described in Subsection (5).

6202 (5) (a) In awarding a grant under Subsection (4), the State Board of Education,
6203 Department of Workforce Services, and the board shall consider:

6204 (i) a respondent's capacity to effectively implement the components described in
6205 Section [~~53A-16-105~~] 53F-6-304;

6206 (ii) the percentage of a respondent's students who are economically disadvantaged; and

6207 (iii) the level of administrative support and leadership at a respondent's program to
6208 effectively implement, monitor, and evaluate the program.

6209 (b) The board may not award a grant to an LEA without obtaining approval from the
6210 State Board of Education to award the grant to the LEA.

6211 (6) To receive a grant under this section, a respondent that is an eligible LEA shall
6212 submit a proposal to the State Board of Education detailing:

6213 (a) the respondent's strategy to implement the high quality components described in
6214 Subsection [~~53A-16-105~~] 53F-6-304(1);

6215 (b) the number of students the respondent plans to serve, categorized by age and
6216 economically disadvantaged status;

6217 (c) the number of high quality preschool classrooms the respondent plans to operate;
6218 and

6219 (d) the estimated cost per student.

6220 (7) To receive a grant under this section, a respondent that is an eligible private
6221 provider or an eligible home-based educational technology provider shall submit a proposal to

6222 the Department of Workforce Services detailing:

6223 (a) the respondent's strategy to implement the high quality components described in
6224 Section [~~53A-1b-105~~] 53F-6-304;

6225 (b) the number of students the respondent plans to serve, categorized by age and
6226 economically disadvantaged status;

6227 (c) for a respondent that is an eligible private provider, the number of high quality
6228 preschool classrooms the respondent plans to operate; and

6229 (d) the estimated cost per student.

6230 (8) All recipients of grants under this section shall establish a preschool or home-based
6231 educational technology program with the components described in Section [~~53A-1b-105~~]
6232 53F-6-304.

6233 (9) (a) A grant recipient shall allow classroom or other visits by an independent
6234 evaluator chosen by the board in accordance with Section [~~53A-1b-110~~] 53F-6-309.

6235 (b) The independent evaluator shall:

6236 (i) determine whether a grant recipient has effectively implemented the components
6237 described in Section [~~53A-1b-105~~] 53F-6-304; and

6238 (ii) report the independent evaluator's findings to the board.

6239 (10) (a) A grant recipient that is an eligible LEA shall assign a statewide unique
6240 student identifier to each eligible student funded pursuant to a grant received under this section.

6241 (b) A grant recipient that is an eligible private provider or an eligible home-based
6242 educational technology provider shall work in conjunction with the State Board of Education to
6243 assign a statewide unique student identifier to each eligible student funded pursuant to a grant
6244 received under this section.

6245 (11) A grant recipient that is an LEA shall report annually to the board and the State
6246 Board of Education the following:

6247 (a) number of students served by the preschool, reported by economically
6248 disadvantaged status;

6249 (b) attendance;

6250 (c) cost per student; and

6251 (d) assessment results.

6252 (12) A grant recipient that is an eligible private provider or an eligible home-based

6253 educational technology provider shall report annually to the board and the Department of
6254 Workforce Services the following:

- 6255 (a) number of students served by the preschool or program, reported by economically
6256 disadvantaged status;
- 6257 (b) attendance;
- 6258 (c) cost per student; and
- 6259 (d) assessment results.

6260 (13) The State Board of Education and the Department of Workforce Services shall
6261 make rules to effectively administer and monitor the High Quality School Readiness Grant
6262 Program, including:

- 6263 (a) requiring grant recipients to use the pre- and post-assessment selected by the board
6264 in accordance with Section [~~53A-1b-110~~] 53F-6-309; and
- 6265 (b) establishing reporting requirements for grant recipients.

6266 (14) At the request of the board, the State Board of Education and the Department of
6267 Workforce Services shall annually share the information received from grant recipients
6268 described in Subsections (11) and (12) with the board.

6269 Section 155. Section **53F-6-306**, which is renumbered from Section 53A-1b-107 is
6270 renumbered and amended to read:

6271 **[~~53A-1b-107~~]. 53F-6-306. High quality preschool programs for eligible**
6272 **LEAs.**

6273 (1) To receive funding pursuant to a results-based contract awarded under Section
6274 [~~53A-1b-110~~] 53F-6-309, an eligible LEA shall establish or currently operate a high quality
6275 preschool with the components described in Subsection [~~53A-1b-105~~] 53F-6-304(1).

6276 (2) An eligible LEA shall assign a statewide unique student identifier to each eligible
6277 student funded pursuant to a results-based contract issued under this part.

6278 (3) An eligible LEA may not use funds awarded pursuant to a results-based contract to
6279 supplant funds for an existing high quality preschool program, but may use the funds to
6280 supplement an existing high quality preschool program.

6281 (4) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec.
6282 6301-6578, an LEA may charge a sliding scale fee to a student participating in a high quality
6283 preschool program under this section, based on household income.

(5) An LEA that receives funds under this section shall report annually to the board the de-identified information described in Section ~~[53A-1b-111]~~ 53F-6-310.

(6) (a) An eligible LEA may contract with an eligible private provider to provide the high quality preschool program to a portion of the LEA's eligible students funded by a results-based contract.

(b) The board shall determine in a results-based contract the portion of an LEA's eligible students funded by the results-based contract to be served by an eligible private provider.

(7) To receive funding pursuant to a results-based contract, an eligible private provider shall:

(a) offer a preschool program that contains the components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(1);

(b) allow classroom visits by the evaluator chosen in accordance with Section ~~[53A-1b-110]~~ 53F-6-309 and the private entity, to ensure the components described in this section are implemented;

(c) allow the evaluator chosen in accordance with Section ~~[53A-1b-110]~~ 53F-6-309 to administer the required pre- and post-assessments to eligible students funded under this part; and

(d) report the information described in Section ~~[53A-1b-111]~~ 53F-6-310 to the board and the contracting LEA.

(8) An LEA may provide the eligible private provider with:

(a) professional development;

(b) staffing or staff support;

(c) materials; and

(d) assessments.

(9) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student participating in a high quality preschool program under this section, based on household income.

(b) The eligible private provider may use grants, scholarships, or other funds to help fund the preschool program.

(10) A contractual partnership established under Subsection (6) shall be consistent with Utah Constitution, Article X, Section 1.

(11) The evaluator selected pursuant to Section ~~[53A-1b-110]~~ 53F-6-309 shall annually evaluate:

(a) the quality and outcomes of the high quality preschool program funded by a results-based contract between a private entity and the board, including:

(i) adherence to required components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(1); and

(ii) the pre- and post-assessment results of the assessment, designated by the board under Section ~~[53A-1b-110]~~ 53F-6-309, of eligible students in the high quality preschool program; and

(b) whether the performance outcome measures set in the results-based contract have been met, using de-identified data reported in Section ~~[53A-1b-111]~~ 53F-6-310.

Section 156. Section **53F-6-307**, which is renumbered from Section 53A-1b-108 is renumbered and amended to read:

~~[53A-1b-108].~~ **53F-6-307. High quality preschool programs for eligible private providers.**

(1) To receive funding pursuant to a results-based contract awarded under Section ~~[53A-1b-110]~~ 53F-6-309, an eligible private provider shall:

(a) establish or currently operate a high quality preschool with the components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(1);

(b) allow classroom visits by the evaluator chosen in accordance with Section ~~[53A-1b-110]~~ 53F-6-309 and the private entity, to ensure the components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(1) are being implemented; and

(c) allow the evaluator chosen in accordance with Section ~~[53A-1b-110]~~ 53F-6-309 to administer the required pre- and post-assessments to eligible students funded under this part.

(2) An eligible private provider shall work in conjunction with the State Board of Education to assign a statewide unique student identifier to each eligible student funded pursuant to a results-based contract.

(3) An eligible private provider may not use funds awarded pursuant to a results-based contract to supplant funds for an existing high quality preschool program, but may use the

6346 funds to supplement an existing high quality preschool program.

6347 (4) (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C.
6348 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student
6349 participating in a high quality preschool program under this section, based on household
6350 income.

6351 (b) The eligible private provider may use grants, scholarships, or other funds to help
6352 fund the preschool program.

6353 (5) An eligible private provider that receives funds under this section shall report
6354 annually to the board the de-identified information described in Section [~~53A-1b-111~~]
6355 53F-6-310.

6356 (6) The State Board of Education shall annually share with the board aggregated
6357 longitudinal data on eligible students currently receiving funding under this section and any
6358 eligible students who previously received funding under this section, including:

6359 (a) academic achievement outcomes;

6360 (b) special education use; and

6361 (c) English language learner services.

6362 (7) The evaluator selected pursuant to Section [~~53A-1b-110~~] 53F-6-309 shall annually
6363 evaluate:

6364 (a) the quality and outcomes of a high quality preschool program funded by a
6365 results-based contract between a private entity and the board, including:

6366 (i) adherence to required components described in Subsection [~~53A-1b-105~~]
6367 53F-6-304(1); and

6368 (ii) the pre- and post-assessment results of the assessment, designated by the board
6369 under Section [~~53A-1b-110~~] 53F-6-309, of eligible students in the high quality preschool
6370 program; and

6371 (b) whether the performance outcome measures set in the results-based contract have
6372 been met, using de-identified or aggregated data reported in Subsections (5) and (6).

6373 Section 157. Section **53F-6-308**, which is renumbered from Section 53A-1b-109 is
6374 renumbered and amended to read:

6375 [~~53A-1b-109~~]. **53F-6-308. Home-based educational technology for school**
6376 **readiness.**

(1) To receive funding pursuant to a results-based contract awarded under Section ~~[53A-1b-110]~~ 53F-6-309, an eligible home-based educational technology provider shall administer a home-based educational technology program designed to prepare eligible students for kindergarten.

(2) An eligible home-based educational technology provider described in Subsection (1) shall establish or currently operate a high quality school readiness program with the components described in Subsection ~~[53A-1b-105]~~ 53F-6-304(2).

(3) An eligible home-based educational technology provider shall work in conjunction with the State Board of Education to assign a statewide unique student identifier to each eligible student funded pursuant to a results-based contract.

(4) An eligible home-based educational technology provider that receives funds under this section shall report annually to the board the following de-identified information for eligible students funded in whole or in part pursuant to a results-based contract:

(a) number of eligible students served by the home-based educational technology program, reported by economically disadvantaged status and English language learner status;

(b) average time, and range of time usage, an eligible student spent using the program per week;

(c) cost per eligible student;

(d) assessment results of the pre- and post-assessments selected by the board; and

(e) number of eligible students served by the home-based educational technology program who participated in any other public or private preschool program, including the type of preschool attended.

(5) The State Board of Education shall annually share with the board aggregated longitudinal data on eligible students currently receiving funding under this section and any eligible students who previously received funding under this section, including:

(a) academic achievement outcomes;

(b) special education use; and

(c) English language learner services.

(6) The evaluator selected pursuant to Section ~~[53A-1b-110]~~ 53F-6-309 shall annually evaluate:

(a) the quality and outcomes of a home-based educational technology program funded

by a results-based contract between a private entity and the board, including the pre- and post-assessment results, on the assessment designated by the board under Section ~~[53A-1b-110]~~ 53F-6-309, of eligible students in the program; and

(b) whether the performance outcome measures set in the results-based contract have been met, using de-identified or aggregated data reported in Subsections (4) and (5).

Section 158. Section **53F-6-309**, which is renumbered from Section 53A-1b-110 is renumbered and amended to read:

~~[53A-1b-110].~~ **53F-6-309. Results-based school readiness contracts -- Board duties -- Independent evaluator.**

(1) (a) The board may negotiate and enter into a results-based contract with a private entity, selected through a competitive process, to fund:

(i) a high quality preschool program described in Section ~~[53A-1b-107]~~ 53F-6-306;

(ii) a high quality preschool program described in Section ~~[53A-1b-108]~~ 53F-6-307; or

(iii) a home-based education technology program described in Section ~~[53A-1b-109]~~ 53F-6-308.

(b) The board may not issue a results-based contract if the total outstanding obligations of results-based contracts issued by the board under this part would exceed \$15,000,000 at any one time.

(c) The board may provide for a repayment to a private entity to include a return of investment and an additional return on investment, dependent on achievement of specific performance outcome measures set in the results-based contract.

(d) The additional return on investment described in Subsection (1)(c) may not exceed 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10 year maturity at the time of the issuance of the results-based school readiness contract.

(e) Funding obtained for an early education program under this part is not a procurement item under Section 63G-6a-103.

(2) A contract shall include:

(a) a requirement that the repayment to the private entity be conditioned on specific performance outcome measures set in the results-based contract;

(b) a requirement for an independent evaluator to determine whether the performance outcomes have been achieved;

6439 (c) a provision that repayment to the private entity is:
6440 (i) based upon available money in the School Readiness Restricted Account; and
6441 (ii) subject to legislative appropriation; and
6442 (d) that the private entity is not eligible to receive or view any personally identifiable
6443 student data of students funded through a results-based contract.

6444 (3) The board shall select an independent, nationally recognized early childhood
6445 education evaluator, selected through a request for proposals process, to annually evaluate:

6446 (a) performance outcome measures set in a results-based contract of the board; and

6447 (b) a High Quality School Readiness Grant Program recipient's program.

6448 (4) The board shall select a uniform assessment of age-appropriate cognitive or
6449 language skills that:

6450 (a) is nationally norm-referenced;

6451 (b) has established reliability;

6452 (c) has established validity with other similar measures and with later school outcomes;

6453 and

6454 (d) has strong psychometric characteristics.

6455 (5) (a) At the end of each year of a results-based contract after a student funded through
6456 a results-based contract completes kindergarten, the independent evaluator shall determine
6457 whether the performance outcome measures set in the results-based contract have been met.

6458 (b) If the independent evaluator determines under Subsection (5)(a) that the
6459 performance outcome measures have been met, the board may pay the private entity according
6460 to the terms of the results-based contract.

6461 (6) (a) The board shall ensure that a parent or guardian of an eligible student
6462 participating in a program funded pursuant to a results-based contract has given permission and
6463 signed an acknowledgment that the student's data may be shared with an independent evaluator
6464 for research and evaluation purposes.

6465 (b) The board shall maintain documentation of parental permission required in
6466 Subsection (6)(a).

6467 Section 159. Section **53F-6-310**, which is renumbered from Section 53A-1b-111 is
6468 renumbered and amended to read:

6469 ~~[53A-1b-111].~~ **53F-6-310. Reporting requirements for recipients of a**

**results-based school readiness contract -- Reporting requirements for the School
Readiness Board.**

(1) An eligible LEA, eligible private provider, or eligible home-based educational technology provider that receives funds pursuant to a results-based contract under this part shall report annually to the board the following de-identified information for eligible students funded in whole or in part pursuant to a results-based contract:

- (a) number of eligible students served by the recipient's preschool or home-based educational technology program, reported by economically disadvantaged status and English language learner status;
- (b) attendance;
- (c) cost per eligible student;
- (d) assessment results of the pre- and post-assessments selected by the board; and
- (e) aggregated longitudinal data on eligible students currently receiving funding under this part and any eligible students who previously received funding under this part, including:
 - (i) academic achievement outcomes;
 - (ii) special education use; and
 - (iii) English language learner services.

(2) For each year of a results-based contract, the board shall report to the Education Interim Committee the following:

- (a) information collected under Subsection (1) for each participating LEA, private provider, and home-based educational technology provider; and
- (b) the terms of the results-based contract, including:
 - (i) the name of each private entity and funding source;
 - (ii) the amount of money each private entity has invested;
 - (iii) the performance outcome measures set in the results-based contract by which repayment will be determined; and
 - (iv) the repayment schedule to the private entity if the performance outcomes are met.

Section 160. Section **53F-7-101** is enacted to read:

CHAPTER 7. STATE FUNDING -- EDUCATION ADMINISTRATION

Part 1. General Provisions

53F-7-101. Title.

6501 This chapter is known as "State Funding -- Education Administration."

6502 Section 161. Section **53F-7-102** is enacted to read:

6503 **53F-7-102. Definitions.**

6504 Reserved

6505 Section 162. Section **53F-7-201**, which is renumbered from Section 53A-13-206 is
6506 renumbered and amended to read:

6507 **[53A-13-206]. 53F-7-201. Appropriations from Automobile Driver**

6508 **Education Tax Account.**

6509 There is appropriated to the State Board of Education from the Automobile Driver
6510 Education Tax Account, annually, all money in the account, in excess of the expense of
6511 administering the collection of the tax, for use and distribution in the administration and
6512 maintenance of driver education classes and programs with respect to classes offered in the
6513 school district and the establishment of experimental programs, including the purchasing of
6514 equipment, by the board.

6515 Section 163. Section **53F-7-301** is enacted to read:

6516 **Part 3. Utah Schools for the Deaf and the Blind**

6517 **53F-7-301. Annual salary adjustments for USDB educators -- Legislative**
6518 **appropriation.**

6519 Subject to future budget constraints, the Legislature shall annually appropriate money to
6520 the board for the salary adjustments described in Section 53E-8-302, including step and lane
6521 changes.

6522 Section 164. Section **53F-8-101** is enacted to read:

6523 **CHAPTER 8. LOCAL FUNDING**

6524 **Part 1. General Provisions**

6525 **53F-8-101. Title.**

6526 This chapter is known as "Local Funding."

6527 Section 165. Section **53F-8-102** is enacted to read:

6528 **53F-8-102. Definitions.**

6529 Reserved

6530 Section 166. Section **53F-8-201**, which is renumbered from Section 53A-16-106 is

6531 renumbered and amended to read:

6532 **Part 2. General Tax Provisions**

6533 ~~[53A-16-106].~~ **53F-8-201. Annual certification of tax rate proposed by local**
6534 **school board -- Inclusion of school district budget -- Modified filing date.**

6535 (1) Prior to June 22 of each year, each local school board shall certify to the county
6536 legislative body in which the district is located, on forms prescribed by the State Tax
6537 Commission, the proposed tax rate approved by the local school board.

6538 (2) A copy of the district's budget, including items under Section ~~[53A-19-101]~~
6539 53G-7-302, and a certified copy of the local school board's resolution which approved the
6540 budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the
6541 tax rate.

6542 (3) If the tax rate approved by the board is in excess of the certified tax rate, as defined
6543 in Section 59-2-924, the date for filing the tax rate and budget adopted by the board shall be
6544 that established under Section 59-2-919.

6545 Section 167. Section **53F-8-202**, which is renumbered from Section 53A-16-108 is
6546 renumbered and amended to read:

6547 ~~[53A-16-108].~~ **53F-8-202. Levy of tax -- Collection and deposit.**

6548 (1) After the valuation of property has been extended on the assessment rolls, the
6549 county legislative body shall levy a tax on the taxable property in the respective school districts
6550 at the rate submitted by each local school board under Section ~~[53A-16-106]~~ 53F-8-201.

6551 (2) These taxes shall be collected by the county officers in the same manner as other
6552 taxes are collected.

6553 (3) The county treasurer shall pay the tax revenues to the respective district's business
6554 administrator who shall hold the tax revenue subject to the order of the local school board.

6555 Section 168. Section **53F-8-203**, which is renumbered from Section 53A-16-109 is
6556 renumbered and amended to read:

6557 ~~[53A-16-109].~~ **53F-8-203. Payment out of tax money by county treasurer.**

6558 (1) Each county treasurer shall pay the appropriate proportionate share of delinquent
6559 taxes, together with interest and costs on all tax sales, to each affected school district.

6560 (2) The treasurer shall make payment as quickly as possible after collection or
6561 realization.

Section 169. Section **53F-8-301**, which is renumbered from Section 53A-17a-133 is renumbered and amended to read:

Part 3. Local Levies

~~[53A-17a-133].~~ **53F-8-301.** State-supported voted local levy authorized --
Election requirements -- Reconsideration of the program.

~~[(1) As used in this section, "voted and board local levy funding balance" means the difference between:]~~

~~[(a) the amount appropriated for the voted and board local levy program in a fiscal year; and]~~

~~[(b) the amount necessary to provide the state guarantee per weighted pupil unit as determined under this section and Section 53A-17a-164 in the same fiscal year.]~~

(1) The terms defined in Section 53F-2-102 apply to this section.

(2) An election to consider adoption or modification of a voted local levy is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the local school board.

(3) (a) (i) To impose a voted local levy, a majority of the electors of a school district voting at an election in the manner set forth in Subsections ~~[(9) and (10)]~~ (8) and (9) must vote in favor of a special tax.

(ii) The tax rate may not exceed .002 per dollar of taxable value.

(b) Except as provided in Subsection (3)(c), in order to receive state support in accordance with Section 53F-2-601 the first year, a school district shall receive voter approval no later than December 1 of the year prior to implementation.

(c) Beginning on or after January 1, 2012, a school district may receive state support in accordance with ~~[Subsection (4)]~~ Section 53F-2-601 without complying with the requirements of Subsection (3)(b) if the local school board imposed a tax in accordance with this section during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.

~~[(4) (a) In addition to the revenue collected from the imposition of a levy pursuant to this section, the state shall contribute an amount sufficient to guarantee \$35.55 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.]~~

~~[(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy~~

6593 authorized in ~~Section 53A-17a-164~~, so that the guarantee shall apply up to a total of .002 per
6594 dollar of taxable value if a local school board levies a tax rate under both programs.]

6595 [(c) (i) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (4)(a) and (b)
6596 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12
6597 program by making the value of the guarantee equal to .011962 times the value of the prior
6598 year's weighted pupil unit for the grades 1 through 12 program.]

6599 [(ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
6600 pupil unit for the grades 1 through 12 program for each succeeding year subject to the
6601 Legislature appropriating funds for an increase in the guarantee.]

6602 [(d) (i) The amount of state guarantee money to which a school district would
6603 otherwise be entitled to receive under this Subsection (4) may not be reduced for the sole
6604 reason that the school district's levy is reduced as a consequence of changes in the certified tax
6605 rate under Section 59-2-924 pursuant to changes in property valuation.]

6606 [(ii) Subsection (4)(d)(i) applies for a period of five years following any such change in
6607 the certified tax rate.]

6608 [(e) The guarantee provided under this section does not apply to the portion of a voted
6609 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
6610 year, unless an increase in the voted local levy rate was authorized in an election conducted on
6611 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.]

6612 [(f) (i) If a voted and board local levy funding balance exists for the prior fiscal year,
6613 the State Board of Education shall:]

6614 [(A) use the voted and board local levy funding balance to increase the value of the
6615 state guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year;
6616 and]

6617 [(B) distribute the state contribution to the voted and board local levy programs to
6618 school districts based on the increased value of the state guarantee per weighted pupil unit
6619 described in Subsection (4)(f)(i)(A).]

6620 [(ii) The State Board of Education shall report action taken under this Subsection (4)(f)
6621 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and
6622 Budget.]

6623 [(5)] (4) (a) An election to modify an existing voted local levy is not a reconsideration

of the existing authority unless the proposition submitted to the electors expressly so states.

(b) A majority vote opposing a modification does not deprive the local school board of authority to continue the levy.

(c) If adoption of a voted local levy is contingent upon an offset reducing other local school board levies, the local school board shall allow the electors, in an election, to consider modifying or discontinuing the imposition of the levy prior to a subsequent increase in other levies that would increase the total local school board levy.

(d) Nothing contained in this section terminates, without an election, the authority of a local school board to continue imposing an existing voted local levy previously authorized by the voters as a voted leeway program.

~~[(6)]~~ (5) Notwithstanding Section 59-2-919, a local school board may budget an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section in addition to revenue from eligible new growth as defined in Section 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:

(a) the voted local levy is approved:

(i) in accordance with Subsections ~~[(9) and (10)]~~ (8) and (9) on or after January 1, 2003; and

(ii) within the four-year period immediately preceding the year in which the local school board seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and

(b) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the local school board complies with the requirements of Subsection ~~[(8)]~~ (7).

~~[(7)]~~ (6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate under this section that exceeds the certified tax rate without having to comply with the notice requirements of Section 59-2-919 if:

(a) the levy exceeds the certified tax rate as the result of a local school board budgeting an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section;

(b) the voted local levy was approved:

(i) in accordance with Subsections ~~[(9) and (10)]~~ (8) and (9) on or after January 1,

6655 2003; and

6656 (ii) within the four-year period immediately preceding the year in which the local
6657 school board seeks to budget an increased amount of ad valorem property tax revenue derived
6658 from the voted local levy; and

6659 (c) for a voted local levy approved or modified in accordance with this section on or
6660 after January 1, 2009, the local school board complies with requirements of Subsection [~~(8)~~]
6661 (7).

6662 [~~(8)~~] (7) For purposes of Subsection [~~(6)~~] (5)(b) or [~~(7)~~] (6)(c), the proposition
6663 submitted to the electors regarding the adoption or modification of a voted local levy shall
6664 contain the following statement:

6665 "A vote in favor of this tax means that the local school board of [name of the school
6666 district] may increase revenue from this property tax without advertising the increase for the
6667 next five years."

6668 [~~(9)~~] (8) (a) Before a local school board may impose a property tax levy pursuant to
6669 this section, a local school board shall submit an opinion question to the school district's
6670 registered voters voting on the imposition of the tax rate so that each registered voter has the
6671 opportunity to express the registered voter's opinion on whether the tax rate should be imposed.

6672 (b) The election required by this Subsection [~~(9)~~] (8) shall be held:

6673 (i) at a regular general election conducted in accordance with the procedures and
6674 requirements of Title 20A, Election Code, governing regular elections;

6675 (ii) at a municipal general election conducted in accordance with the procedures and
6676 requirements of Section 20A-1-202; or

6677 (iii) at a local special election conducted in accordance with the procedures and
6678 requirements of Section 20A-1-203.

6679 (c) Notwithstanding the requirements of Subsections [~~(9)~~] (8)(a) and (b), beginning on
6680 or after January 1, 2012, a local school board may levy a tax rate in accordance with this
6681 section without complying with the requirements of Subsections [~~(9)~~] (8)(a) and (b) if the local
6682 school board imposed a tax in accordance with this section at any time during the taxable year
6683 beginning on January 1, 2011, and ending on December 31, 2011.

6684 [~~(10)~~] (9) If a local school board determines that a majority of the school district's
6685 registered voters voting on the imposition of the tax rate have voted in favor of the imposition

6686 of the tax rate in accordance with Subsection ~~[(9)]~~ (8), the local school board may impose the
6687 tax rate.

6688 Section 170. Section **53F-8-302**, which is renumbered from Section 53A-17a-164 is
6689 renumbered and amended to read:

6690 ~~[53A-17a-164]~~. **53F-8-302. Board local levy.**

6691 (1) The terms defined in Section 53F-2-102 apply to this section.

6692 ~~[(1)]~~ (2) Subject to the other requirements of this section, for a calendar year beginning
6693 on or after January 1, 2012, a local school board may levy a tax to fund the school district's
6694 general fund.

6695 ~~[(2)]~~ (3) (a) For purposes of this Subsection ~~[(2)]~~ (3), "combined rate" means the sum
6696 of:

6697 (i) the rate imposed by a local school board under Subsection ~~[(1)]~~ (2); and

6698 (ii) the charter school levy rate, described in Section ~~[53A-1a-513.1]~~ 53F-2-703, for the
6699 local school board's school district.

6700 (b) Except as provided in Subsection ~~[(2)]~~ (3)(c), beginning on January 1, 2017, a
6701 school district's combined rate may not exceed .0018 per dollar of taxable value in any calendar
6702 year.

6703 (c) Beginning on January 1, 2017, a school district's combined rate may not exceed
6704 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on
6705 January 1, 2011, the school district's total tax rate for the following levies was greater than
6706 .0018 per dollar of taxable value:

6707 (i) a recreation levy imposed under Section 11-2-7;

6708 (ii) a transportation levy imposed under Section ~~[53A-17a-127]~~ 53F-8-403;

6709 (iii) a board-authorized levy imposed under Section ~~[53A-17a-134]~~ 53F-8-404;

6710 (iv) an impact aid levy imposed under Section ~~[53A-17a-143]~~ 53F-2-515;

6711 (v) the portion of a 10% of basic levy imposed under Section ~~[53A-17a-145]~~

6712 53F-8-405 that is budgeted for purposes other than capital outlay or debt service;

6713 (vi) a reading levy imposed under Section ~~[53A-17a-151]~~ 53F-8-406; and

6714 (vii) a tort liability levy imposed under Section 63G-7-704.

6715 ~~[(3)-(a)]~~ (4) In addition to the revenue a school district collects from the imposition of a
6716 levy pursuant to this section, the state shall contribute an amount ~~[sufficient to guarantee that~~

6717 ~~each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state~~
6718 ~~guarantee per weighted pupil unit described in Subsection 53A-17a-133(4)]~~ as described in
6719 Section 53F-2-602.

6720 ~~[(b)(i) The amount of state guarantee money to which a school district would~~
6721 ~~otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that~~
6722 ~~the district's levy is reduced as a consequence of changes in the certified tax rate under Section~~
6723 ~~59-2-924 pursuant to changes in property valuation.]~~

6724 ~~[(ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the~~
6725 ~~certified tax rate.]~~

6726 ~~[(4)]~~ (5) (a) For a calendar year beginning on or after January 1, 2017, the State Tax
6727 Commission shall adjust a board local levy rate imposed by a local school board under this
6728 section by the amount necessary to offset the change in revenues from the charter school levy
6729 imposed under Section ~~[53A-1a-513.1]~~ 53F-2-703.

6730 (b) A local school board is not required to comply with the notice and public hearing
6731 requirements of Section 59-2-919 for an offset described in Subsection ~~[(4)]~~ (5)(a) to the
6732 change in revenues from the charter school levy imposed under Section ~~[53A-1a-513.1]~~
6733 53F-2-703.

6734 (c) A local school board may not increase a board local levy rate under this section
6735 before December 31, 2016, if the local school board did not give public notice on or before
6736 March 4, 2016, of the local school board's intent to increase the board local levy rate.

6737 (d) So long as the charter school levy rate does not exceed 25% of the charter school
6738 levy per district revenues, a local school board may not increase a board local levy rate under
6739 this section if the purpose of increasing the board local levy rate is to capture the revenues
6740 assigned to the charter school levy through the adjustment in a board local levy rate under
6741 Subsection ~~[(4)]~~ (5)(a).

6742 (e) Before a local school board takes action to increase a board local levy rate under
6743 this section, the local school board shall:

6744 (i) prepare a written statement that attests that the local school board is in compliance
6745 with Subsection ~~[(4)]~~ (5)(d);

6746 (ii) read the statement described in Subsection ~~[(4)]~~ (5)(e)(i) during a local school
6747 board public meeting where the local school board discusses increasing the board local levy

6748 rate; and

6749 (iii) send a copy of the statement described in Subsection ~~[(4)]~~ (5)(e)(i) to the State Tax
6750 Commission.

6751 Section 171. Section **53F-8-303**, which is renumbered from Section 53A-16-113 is
6752 renumbered and amended to read:

6753 ~~[53A-16-113]~~. **53F-8-303. Capital local levy -- First class county required**
6754 **levy -- Allowable uses of collected revenue.**

6755 (1) (a) Subject to the other requirements of this section, a local school board may levy a
6756 tax to fund the school district's capital projects.

6757 (b) A tax rate imposed by a school district pursuant to this section may not exceed
6758 .0030 per dollar of taxable value in any calendar year.

6759 (2) A school district that imposes a capital local levy in the calendar year beginning on
6760 January 1, 2012, is exempt from the public notice and hearing requirements of Section
6761 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to
6762 or less than the sum of the following amounts:

6763 (a) the amount of revenue generated during the calendar year beginning on January 1,
6764 2011, from the sum of the following levies of a school district:

6765 (i) a capital outlay levy imposed under Section ~~[53A-16-107]~~ 53F-8-401; and

6766 (ii) the portion of the 10% of basic levy described in Section ~~[53A-17a-145]~~ 53F-8-405
6767 that is budgeted for debt service or capital outlay; and

6768 (b) revenue from eligible new growth as defined in Section 59-2-924.

6769 (3) (a) Subject to Subsections (3)(b), (c), and (d), for fiscal year 2013-14, a local school
6770 board may utilize the proceeds of a maximum of .0024 per dollar of taxable value of the local
6771 school board's annual capital local levy for general fund purposes if the proceeds are not
6772 committed or dedicated to pay debt service or bond payments.

6773 (b) If a local school board uses the proceeds described in Subsection (3)(a) for general
6774 fund purposes, the local school board shall notify the public of the local school board's use of
6775 the capital local levy proceeds for general fund purposes:

6776 (i) before the local school board's budget hearing in accordance with the notification
6777 requirements described in Section ~~[53A-19-102]~~ 53G-7-303; and

6778 (ii) at a budget hearing required in Section ~~[53A-19-102]~~ 53G-7-303.

6779 (c) A local school board may not use the proceeds described in Subsection (3)(a) to
6780 fund the following accounting function classifications as provided in the Financial Accounting
6781 for Local and State School Systems guidelines developed by the National Center for Education
6782 Statistics:

6783 (i) 2300 Support Services - General District Administration; or

6784 (ii) 2500 Support Services - Central Services.

6785 Section 172. Section **53F-8-401**, which is renumbered from Section 53A-16-107 is
6786 renumbered and amended to read:

6787 **Part 4. Obsolete Tax Levies**

6788 ~~[53A-16-107]~~. **53F-8-401. Capital outlay levy -- Authority to use proceeds**
6789 **of .0002 tax rate for maintenance of school facilities -- Restrictions and procedure --**
6790 **Limited authority to use proceeds for general fund purposes -- Notification required**
6791 **when using proceeds for general fund purposes -- Authority for small school districts to**
6792 **use levy proceeds for operation and maintenance of plant services.**

6793 (1) Subject to Subsection (3) and except as provided in Subsections (2), (5), (6), and
6794 (7), a local school board may annually impose a capital outlay levy not to exceed .0024 per
6795 dollar of taxable value to be used for:

6796 (a) capital outlay; or

6797 (b) debt service.

6798 (2) (a) A local school board with an enrollment of 2,500 students or more may utilize
6799 the proceeds of a maximum of .0002 per dollar of taxable value of the local school board's
6800 annual capital outlay levy for the maintenance of school facilities in the school district.

6801 (b) A local school board that uses the option provided under Subsection (2)(a) shall:

6802 (i) maintain the same level of expenditure for maintenance in the current year as it did
6803 in the preceding year, plus the annual average percentage increase applied to the maintenance
6804 and operation budget for the current year; and

6805 (ii) identify the expenditure of capital outlay funds for maintenance by a district project
6806 number to ensure that the funds are expended in the manner intended.

6807 (c) The State Board of Education shall establish by rule the expenditure classification
6808 for maintenance under this program using a standard classification system.

6809 (3) Beginning January 1, 2009, and through the taxable year beginning January 1,

2011, in order to qualify for receipt of the state contribution toward the minimum school program, a local school board in a county of the first class shall impose a capital outlay levy of at least .0006 per dollar of taxable value.

(4) (a) The county treasurer of a county of the first class shall distribute revenues generated by the .0006 portion of the capital outlay levy required in Subsection (3) to school districts within the county in accordance with Section 53A-16-114.

(b) (i) Except as provided in Subsection (4)(b)(ii), if a school district in a county of the first class imposes a capital outlay levy pursuant to this section which exceeds .0006 per dollar of taxable value, the county treasurer of a county of the first class shall distribute revenues generated by the portion of the capital outlay levy which exceeds .0006 to the school district imposing the levy.

(ii) If a new district and a remaining district are required to impose property tax levies pursuant to Subsection [~~53A-2-118.4~~] 53G-3-304(2), the county treasurer shall distribute revenues of the new district or remaining district generated by the portion of a capital outlay levy that exceeds .0006 in accordance with Section [~~53A-2-118.4~~] 53G-3-304.

(5) (a) Notwithstanding Subsections (1)(a) and (b) and subject to Subsections (5)(b), (c), and (d), for fiscal years 2010-11 and 2011-12, a local school board may use the proceeds of the local school board's capital outlay levy for general fund purposes if the proceeds are not committed or dedicated to pay debt service or bond payments.

(b) If a local school board uses the proceeds described in Subsection (5)(a) for general fund purposes, the local school board shall notify the public of the local school board's use of the capital outlay levy proceeds for general fund purposes:

(i) prior to the board's budget hearing in accordance with the notification requirements described in Section [~~53A-19-102~~] 53G-7-303; and

(ii) at a budget hearing required in Section [~~53A-19-102~~] 53G-7-303.

(c) A local school board may not use the proceeds described in Subsection (5)(a) to fund the following accounting function classifications as provided in the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics:

(i) 2300 Support Services - General District Administration; or

(ii) 2500 Support Services - Central Services.

(d) A local school board may not use the proceeds from a distribution described in Section 53A-16-114 for general fund purposes.

(6) (a) In addition to the uses described in Subsection (1), a local school board of a school district with an enrollment of fewer than 2,500 students, may use the proceeds of the local school board's capital outlay levy, in fiscal years 2011-12, 2012-13, and 2013-14, for expenditures made within the accounting function classification 2600, Operation and Maintenance of Plant Services, of the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics, excluding expenditures for mobile phone service and vehicle operation and maintenance.

(b) If a local school board of a school district with an enrollment of fewer than 2,500 students uses the proceeds of a capital outlay levy for the operation and maintenance of plant services as described in Subsection (6)(a), the local school board shall notify the public of the local school board's use of the capital outlay levy proceeds for operation and maintenance of plant services:

(i) prior to the board's budget hearing in accordance with the notification requirements described in Section ~~[53A-19-102]~~ 53G-7-303; and

(ii) at a budget hearing required in Section ~~[53A-19-102]~~ 53G-7-303.

(7) Beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Section 173. Section **53F-8-402**, which is renumbered from Section 53A-16-110 is renumbered and amended to read:

~~[53A-16-110].~~ 53F-8-402. Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

(1) (a) Except as provided in Subsection (6), a local school board may, by following the process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.

(b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.

(2) The board shall give reasonable notice of the election and follow the same

6872 procedure used in elections for the issuance of bonds.

6873 (3) If a majority of those voting on the proposition vote in favor of the tax, it is levied
6874 in addition to a levy authorized under Section [~~53A-17a-145~~] 53F-8-405 and computed on the
6875 valuation of the county assessment roll for that year.

6876 (4) (a) Within 20 days after the election, the board shall certify the amount of the
6877 approved tax to the governing body of the county in which the school district is located.

6878 (b) The governing body shall acknowledge receipt of the certification and levy and
6879 collect the special tax.

6880 (c) It shall then distribute the collected taxes to the business administrator of the school
6881 district at the end of each calendar month.

6882 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on
6883 real and personal property at the same time as state and county taxes.

6884 (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school
6885 board may not levy a tax in accordance with this section.

6886 Section 174. Section **53F-8-403** is enacted to read:

6887 **53F-8-403. School transportation levy.**

6888 (1) Except as provided in Subsection (5), a local school board may provide for the
6889 transportation of students regardless of the distance from school, from a tax rate not to exceed
6890 .0003 per dollar of taxable value levied by the local school board.

6891 (2) A local school board may use revenue from the tax described in Subsection (1) to
6892 pay for transporting students and for the replacement of school buses.

6893 (3) (a) If a local school board levies a tax under Subsection (1) of at least .0002, the
6894 state may contribute an amount not to exceed 85% of the state average cost per mile,
6895 contingent upon the Legislature appropriating funds for a state contribution.

6896 (b) The State Board of Education's employees shall distribute the state contribution
6897 according to rules enacted by the State Board of Education.

6898 (4) (a) The amount of state guarantee money that a school district would otherwise be
6899 entitled to receive under Subsection (3) may not be reduced for the sole reason that the school
6900 district's levy is reduced as a consequence of changes in the certified tax rate under Section
6901 59-2-924 due to changes in property valuation.

6902 (b) Subsection (4)(a) applies for a period of two years following the change in the

6903 certified tax rate.

6904 (5) Beginning January 1, 2012, a local school board may not impose a tax in
6905 accordance with this section.

6906 (6) The terms defined in Section 53F-2-102 apply to this section.

6907 Section 175. Section **53F-8-404**, which is renumbered from Section 53A-17a-134 is
6908 renumbered and amended to read:

6909 **[53A-17a-134]. 53F-8-404. Board-approved leeway -- Purpose -- State**
6910 **support -- Disapproval.**

6911 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up
6912 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic
6913 school program as follows:

6914 (a) a local school board shall use the money generated by the tax for class size
6915 reduction within the school district;

6916 (b) if a local school board determines that the average class size in the school district is
6917 not excessive, the local school board may use the money for other school purposes but only if
6918 the local school board has declared the use for other school purposes in a public meeting prior
6919 to levying the tax rate; and

6920 (c) a local school board may not use the money for other school purposes under
6921 Subsection (1)(b) until the local school board has certified in writing that the local school
6922 board's class size needs are already being met and the local school board has identified the
6923 other school purposes for which the money will be used to the State Board of Education and
6924 the State Board of Education has approved the local school board's use for other school
6925 purposes.

6926 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted
6927 pupil unit for each .0001 per dollar of taxable value.

6928 (b) The guarantee shall increase in the same manner as provided for the voted local
6929 levy guarantee in ~~[Subsection 53A-17a-133(4)(c)]~~ Section 53F-2-601.

6930 (c) (i) The amount of state guarantee money to which a school district would otherwise
6931 be entitled to under this Subsection (2) may not be reduced for the sole reason that the school
6932 district's levy is reduced as a consequence of changes in the certified tax rate under Section
6933 59-2-924 pursuant to changes in property valuation.

(ii) Subsection (2)(c)(i) applies for a period of five years following any such change in the certified tax rate.

(d) The guarantee provided under this section does not apply to:

(i) a board-authorized leeway in the first fiscal year the levy is in effect, unless the levy was approved by voters pursuant to Subsections (4) through (6); or

(ii) the portion of a board-authorized levy rate that is in excess of the board-authorized leeway rate that was in effect for the previous fiscal year.

(3) The levy authorized under this section is not in addition to the maximum rate of .002 authorized in Section ~~[53A-17a-133]~~ 53F-8-301, but is a board-authorized component of the total tax rate under that section.

(4) As an exception to Section ~~[53A-17a-133]~~ 53F-8-301, the board-authorized levy does not require voter approval, but the local school board may require voter approval if requested by a majority of the local school board.

(5) An election to consider disapproval of the board-authorized levy is required, if within 60 days after the levy is established by the local school board, referendum petitions signed by the number of legal voters required in Section 20A-7-301, who reside within the school district, are filed with the local school board.

(6) (a) A local school board shall establish its board-approved levy by April 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year except that if an election is required under this section, the levy applies to the fiscal year beginning July 1 of the next calendar year.

(b) (i) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur at a general election in even-numbered years, except that a vote required under this section in odd-numbered years shall occur at a special election held on a day in odd-numbered years that corresponds to the general election date.

(ii) The school district shall pay for the cost of a special election.

(7) (a) Modification or termination of a voter-approved leeway rate authorized under this section is governed by Section ~~[53A-17a-133]~~ 53F-8-301.

(b) A board-authorized levy rate may be modified or terminated by a majority vote of the local school board subject to disapproval procedures specified in this section.

(8) A board-authorized levy election does not require publication of a voter

6965 information pamphlet.

6966 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance
6967 with this section.

6968 (10) The terms defined in Section 53F-2-102 apply to this section.

6969 Section 176. Section **53F-8-405**, which is renumbered from Section 53A-17a-145 is
6970 renumbered and amended to read:

6971 **[53A-17a-145]. 53F-8-405. Additional levy by local school board for debt**
6972 **service, school sites, buildings, buses, textbooks, and supplies.**

6973 (1) Except as provided in Subsection (5), a local school board may elect to increase the
6974 school district's tax rate by up to 10% of the cost of the basic program.

6975 (2) The proceeds from the increase may only be used for debt service, the construction
6976 or remodeling of school buildings, or the purchase of school sites, buses, equipment, textbooks,
6977 and supplies.

6978 (3) This section does not prohibit a school district or local school board from
6979 exercising the authority granted by other laws relating to tax rates.

6980 (4) This increase in the tax rate is not included in determining the apportionment of the
6981 State School Fund, and is in addition to other tax rates authorized by law.

6982 (5) Beginning January 1, 2012, a local school board may not:

6983 (a) levy a tax rate in accordance with this section; or

6984 (b) increase its tax rate as described in Subsection (1).

6985 (6) The terms defined in Section 53F-2-102 apply to this section.

6986 Section 177. Section **53F-8-406**, which is renumbered from Section 53A-17a-151 is
6987 renumbered and amended to read:

6988 **[53A-17a-151]. 53F-8-406. Board leeway for reading improvement.**

6989 (1) Except as provided in Subsection (4), a local school board may levy a tax rate of up
6990 to .000121 per dollar of taxable value for funding the school district's K-3 Reading
6991 Improvement Program created under Section ~~[53A-17a-150]~~ 53F-2-503.

6992 (2) The levy authorized under this section:

6993 (a) is in addition to any other levy or maximum rate;

6994 (b) does not require voter approval; and

6995 (c) may be modified or terminated by a majority vote of the local school board.

(3) A local school board shall establish a local school board-approved levy under this section by June 1 to have the levy apply to the fiscal year beginning July 1 in that same calendar year.

(4) Beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

(5) The terms defined in Section 53F-2-102 apply to this section.

Section 178. Section **53F-9-101** is enacted to read:

CHAPTER 9. FUNDS AND ACCOUNTS

Part 1. General Provisions

53F-9-101. Title.

This chapter is known as "Funds and Accounts."

Section 179. Section **53F-9-102** is enacted to read:

53F-9-102. Definitions.

Reserved

Section 180. Section **53F-9-201**, which is renumbered from Section 53A-16-101 is renumbered and amended to read:

Part 2. Uniform School Fund

~~[53A-16-101].~~ **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**

(1) The Uniform School Fund, a special revenue fund within the Education Fund, established by Utah Constitution, Article X, Section 5, consists of:

(a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;

(b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; and

(c) all other constitutional or legislative allocations to the fund, including revenues received by donation.

(2) (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.

(b) The Trust Distribution Account consists of the average of:

(i) 4% of the average market value of the permanent State School Fund based on an

7027 annual review each July of the past 12 consecutive quarters; and

7028 (ii) the prior year's distribution from the Trust Distribution Account as described in
7029 Section [~~53A-16-101.5~~] 53F-2-404, increased by prior year changes in the percentage of
7030 student enrollment growth and in the consumer price index.

7031 (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the
7032 average market value of the permanent State School Fund over the past 12 consecutive
7033 quarters.

7034 (4) The School and Institutional Trust Fund Board of Trustees created in Section
7035 53D-1-301 shall:

7036 (a) annually review distribution of the Trust Distribution Account; and

7037 (b) make recommendations, if necessary, to the Legislature for changes to the formula
7038 described in Subsection (2)(b).

7039 (5) (a) Upon appropriation by the Legislature, the director of the School and
7040 Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust
7041 Distribution Account funds for:

7042 (i) the administration of the School LAND Trust Program as provided in Section
7043 [~~53A-16-101.5~~] 53F-2-404;

7044 (ii) the performance of duties described in Section [~~53A-16-101.6~~] 53E-3-514;

7045 (iii) the School and Institutional Trust Fund Office; and

7046 (iv) the School and Institutional Trust Fund Board of Trustees created in Section
7047 53D-1-301.

7048 (b) The Legislature may appropriate any remaining balance for the support of the
7049 public education system.

7050 Section 181. Section **53F-9-202**, which is renumbered from Section 53A-16-103 is
7051 renumbered and amended to read:

7052 **[~~53A-16-103~~]. 53F-9-202. Duty of Division of Finance -- Apportionment of**
7053 **fund by state board -- Certification of apportionments.**

7054 (1) The Division of Finance shall give the state superintendent, upon request, a written
7055 accounting of the current balance in the Uniform School Fund.

7056 (2) The State Board of Education shall apportion the fund among the several school
7057 districts.

(3) The state superintendent shall certify the apportionments to the Division of Finance and draws warrants on the state treasurer in favor of the school districts.

Section 182. Section **53F-9-203**, which is renumbered from Section 53A-1a-522 is renumbered and amended to read:

~~[53A-1a-522].~~ **53F-9-203. Charter School Revolving Account.**

(1) (a) The terms defined in Section 53G-5-102 apply to this section.

~~[(+)]~~ (b) As used in this section, "account" means the Charter School Revolving Account.

(2) (a) There is created within the Uniform School Fund a restricted account known as the "Charter School Revolving Account" to provide assistance to charter schools to:

(i) meet school building construction and renovation needs; and

(ii) pay for expenses related to the start up of a new charter school or the expansion of an existing charter school.

(b) The State Board of Education, in consultation with the State Charter School Board, shall administer the Charter School Revolving Account in accordance with rules adopted by the State Board of Education.

(3) The Charter School Revolving Account shall consist of:

(a) money appropriated to the account by the Legislature;

(b) money received from the repayment of loans made from the account; and

(c) interest earned on money in the account.

(4) The state superintendent of public instruction shall make loans to charter schools from the account to pay for the costs of:

(a) planning expenses;

(b) constructing or renovating charter school buildings;

(c) equipment and supplies; or

(d) other start-up or expansion expenses.

(5) Loans to new charter schools or charter schools with urgent facility needs may be given priority.

(6) (a) The State Board of Education shall establish a committee to:

(i) review requests by charter schools for loans under this section; and

(ii) make recommendations regarding approval or disapproval of the loan applications

7089 to the State Charter School Board and the State Board of Education.

7090 (b) (i) A committee established under Subsection (6)(a) shall include individuals who
7091 have expertise or experience in finance, real estate, or charter school administration.

7092 (ii) Of the members appointed to a committee established under Subsection (6)(a):

7093 (A) one member shall be nominated by the governor; and

7094 (B) the remaining members shall be selected from a list of nominees submitted by the
7095 State Charter School Board.

7096 (c) If the committee recommends approval of a loan application under Subsection
7097 (6)(a)(ii), the committee's recommendation shall include:

7098 (i) the recommended amount of the loan;

7099 (ii) the payback schedule; and

7100 (iii) the interest rate to be charged.

7101 (d) A committee member may not:

7102 (i) be a relative, as defined in Section [~~53A-1a-518~~] 53G-5-409, of a loan applicant; or

7103 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person
7104 or entity that contracts with a loan applicant.

7105 (7) A loan under this section may not be made unless the State Board of Education, in
7106 consultation with the State Charter School Board, approves the loan.

7107 (8) The term of a loan to a charter school under this section may not exceed five years.

7108 (9) The State Board of Education may not approve loans to charter schools under this
7109 section that exceed a total of \$2,000,000 in any fiscal year.

7110 (10) (a) On March 16, 2011, the assets of the Charter School Building Subaccount
7111 administered by the State Board of Education shall be deposited into the Charter School
7112 Revolving Account.

7113 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter
7114 School Building Subaccount shall be deposited into the Charter School Revolving Account.

7115 Section 183. Section **53F-9-204**, which is renumbered from Section 53A-16-112 is
7116 renumbered and amended to read:

7117 **[~~53A-16-112~~]. 53F-9-204. Growth in Student Population Restricted**
7118 **Account.**

7119 (1) There is created within the Uniform School Fund a restricted account known as the

7120 "Growth in Student Population Restricted Account."

7121 (2) The account shall be funded from the following revenue sources:

7122 (a) any voluntary contributions received to help alleviate the anticipated surge in
7123 student growth in public elementary and secondary schools during the early part of the 21st
7124 Century; and

7125 (b) appropriations made to the fund by the Legislature.

7126 (3) The account shall be used to help school districts meet the challenges created by
7127 anticipated significant increases in student growth in the state's public schools.

7128 (4) (a) The account shall earn interest.

7129 (b) All interest earned on account money shall be deposited in the account.

7130 Section 184. Section **53F-9-205**, which is renumbered from Section 53A-16-115 is
7131 renumbered and amended to read:

7132 ~~[53A-16-115].~~ **53F-9-205. Invest More for Education Account.**

7133 (1) There is created within the Uniform School Fund a restricted account known as the
7134 Invest More for Education Account.

7135 (2) The account shall be funded by contributions deposited into the restricted account
7136 in accordance with Section 59-10-1318.

7137 (3) The account shall earn interest.

7138 (4) Interest earned on the account shall be deposited into the account.

7139 (5) The Legislature may appropriate money from the account for the support of the
7140 public education system.

7141 Section 185. Section **53F-9-206**, which is renumbered from Section 53A-21-401 is
7142 renumbered and amended to read:

7143 ~~[53A-21-401].~~ **53F-9-206. School Building Revolving Account -- Access to**
7144 **the account.**

7145 (1) (a) There is created within the Uniform School Fund a restricted account known as
7146 the "School Building Revolving Account" to provide short-term help to school districts to meet
7147 district needs for school building construction and renovation.

7148 (b) The state superintendent of public instruction shall administer the School Building
7149 Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs,
7150 and rules adopted by the State Board of Education.

(2) The State Board of Education may not allocate funds from the School Building Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.

(3) In order to receive money from the School Building Revolving Account, a school district shall:

(a) levy a combined capital levy rate of at least .0024;

(b) contract with the state superintendent of public instruction to repay the money, with interest at a rate established by the state superintendent, within five years of receipt, using future state capital outlay allocations, local revenues, or both;

(c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan repayments, unless the state superintendent of public instruction alters the payment schedule to improve a hardship situation; and

(d) meet any other condition established by the State Board of Education pertinent to the loan.

(4) (a) The state superintendent shall establish a committee, including representatives from state and local education entities, to:

(i) review requests by school districts for loans under this section; and

(ii) make recommendations regarding approval or disapproval of the loan applications to the state superintendent.

(b) If the committee recommends approval of a loan application under Subsection (4)(a)(ii), the committee's recommendation shall include:

(i) the recommended amount of the loan;

(ii) the payback schedule; and

(iii) the interest rate to be charged.

Section 186. Section **53F-9-301**, which is renumbered from Section 53A-1a-513.2 is renumbered and amended to read:

Part 3. Education Fund

~~[53A-1a-513.2].~~ **53F-9-301. Charter School Levy Account.**

(1) (a) The terms defined in Section 53G-5-102 apply to this section.

~~[(1)]~~ (b) As used in this section, "account" means the Charter School Levy Account created in this section.

(2) There is created within the Education Fund a restricted account known as the

7182 "Charter School Levy Account."

7183 (3) The account shall be funded by amounts deposited into the account in accordance
7184 with Section [~~53A-1a-513.1~~] 53F-2-703.

7185 (4) Upon appropriation from the Legislature, the State Board of Education shall
7186 distribute funds from the account as described in Section [~~53A-1a-513.1~~] 53F-2-703.

7187 (5) The account shall earn interest.

7188 (6) Interest earned on the account shall be deposited into the account.

7189 (7) Funds in the account are nonlapsing.

7190 Section 187. Section **53F-9-302**, which is renumbered from Section 53A-17a-135.1 is
7191 renumbered and amended to read:

7192 **[~~53A-17a-135.1~~]. 53F-9-302. Minimum Basic Growth Account.**

7193 (1) As used in this section, "account" means the Minimum Basic Growth Account
7194 created in this section.

7195 (2) There is created within the Education Fund a restricted account known as the
7196 "Minimum Basic Growth Account."

7197 (3) The account shall be funded by amounts deposited into the account in accordance
7198 with Section [~~53A-17a-135~~] 53F-2-301.

7199 (4) The account shall earn interest.

7200 (5) Interest earned on the account shall be deposited into the account.

7201 (6) Upon appropriation by the Legislature:

7202 (a) 75% of the money from the account shall be used to fund the state's contribution to
7203 the voted levy guarantee described in [~~Subsection 53A-17a-133(4)~~] Section 53F-2-601;

7204 (b) 20% of the money from the account shall be used to fund the Capital Outlay
7205 Foundation Program as provided in [~~Title 53A, Chapter 21, Part 2, Capital Outlay Foundation~~
7206 ~~Program~~] Section 53F-3-203; and

7207 (c) 5% of the money from the account shall be used to fund the Capital Outlay
7208 Enrollment Growth Program as provided in [~~Title 53A, Chapter 21, Part 3, Capital Outlay~~
7209 ~~Enrollment Growth Program~~] Section 53F-3-203.

7210 Section 188. Section **53F-9-303**, which is renumbered from Section 53A-20b-301 is
7211 renumbered and amended to read:

7212 **[~~53A-20b-301~~]. 53F-9-303. Charter School Reserve Account.**

7213 (1) The terms defined in Section 53G-5-601 apply to this section.

7214 ~~[(1)]~~ (2) There is created within the Education Fund a restricted account known as the

7215 "Charter School Reserve Account."

7216 ~~[(2)]~~ (3) The reserve account consists of:

7217 (a) money credited to the account pursuant to Section ~~[53A-20b-202]~~ 53G-5-607;

7218 (b) money appropriated to the account by the Legislature;

7219 (c) all income and interest derived from the deposit and investment of money in the

7220 account;

7221 (d) federal grants; and

7222 (e) private donations.

7223 ~~[(3)]~~ (4) Money in the reserve account may be appropriated by the Legislature to:

7224 (a) restore amounts on deposit in a debt service reserve fund of a qualifying charter

7225 school to the debt service reserve fund requirement;

7226 (b) pay fees and expenses of the authority;

7227 (c) pay the principal of and interest on bonds issued for a qualifying charter school; or

7228 (d) otherwise provide financial assistance to a qualifying charter school.

7229 Section 189. Section **53F-9-304**, which is renumbered from Section 53A-13-114 is

7230 renumbered and amended to read:

7231 ~~[53A-13-114].~~ **53F-9-304. Underage Drinking Prevention Program**

7232 **Restricted Account.**

7233 (1) As used in this section, "account" means the Underage Drinking Prevention

7234 Program Restricted Account created in this section.

7235 (2) There is created within the Education Fund a restricted account known as the

7236 "Underage Drinking Prevention Program Restricted Account."

7237 (3) (a) Before the Department of Alcoholic Beverage Control remits any portion of the

7238 markup collected under Section 32B-2-304 to the State Tax Commission, the department shall

7239 deposit into the account:

7240 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

7241 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the

7242 amount that the department deposited into the account during the preceding fiscal year

7243 increased or decreased by a percentage equal to the percentage difference between the
7244 Consumer Price Index for the preceding calendar year and the Consumer Price Index for
7245 calendar year 2017.

7246 (b) For purposes of this Subsection (3), the department shall calculate the Consumer
7247 Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).

7248 (4) The account shall be funded:

7249 (a) in accordance with Subsection (3);

7250 (b) by appropriations made to the account by the Legislature; and

7251 (c) by interest earned on money in the account.

7252 (5) The State Board of Education shall use money in the account for the Underage
7253 Drinking Prevention Program described in Section [~~53A-13-113~~] 53G-10-406.

7254 Section 190. Section **53F-9-401**, which is renumbered from Section 53A-1-304 is
7255 renumbered and amended to read:

7256 **Part 4. General Fund**

7257 [~~53A-1-304~~]. **53F-9-401. Autism Awareness Restricted Account.**

7258 (1) There is created in the General Fund a restricted account known as the "Autism
7259 Awareness Restricted Account."

7260 (2) The account shall be funded by:

7261 (a) contributions deposited into the account in accordance with Section 41-1a-422;

7262 (b) private contributions; and

7263 (c) donations or grants from public or private entities.

7264 (3) Upon appropriation by the Legislature, the superintendent shall distribute funds in
7265 the account to one or more charitable organizations that:

7266 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

7267 (b) promote access to resources and responsible information for individuals of all ages
7268 who have, or are affected by, autism or related conditions;

7269 (c) is an independent organization that has representation from state agencies and
7270 private providers serving individuals with autism spectrum disorder and their families in the
7271 state;

7272 (d) includes representation of:

7273 (i) national and local autism advocacy groups, as available; and

7274 (ii) interested parents and professionals; and
 7275 (e) does not endorse any specific treatment, therapy, or intervention used for autism.
 7276 (4) (a) An organization described in Subsection (3) may apply to the superintendent to
 7277 receive a distribution in accordance with Subsection (3).
 7278 (b) An organization that receives a distribution from the superintendent in accordance
 7279 with Subsection (3) shall expend the distribution only to:
 7280 (i) pay for autism education and public awareness of programs and related services in
 7281 the state;
 7282 (ii) enhance programs designed to serve individuals with autism;
 7283 (iii) provide support to caregivers providing services for individuals with autism;
 7284 (iv) pay for academic scholarships and research efforts in the area of autism spectrum
 7285 disorder; and
 7286 (v) pay the costs of issuing or reordering Autism Awareness Support special group
 7287 license plate decals.
 7288 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 7289 State Board of Education may make rules providing procedures for an organization to apply to
 7290 the superintendent to receive a distribution under Subsection (3).
 7291 Section 191. Section **53F-9-402**, which is renumbered from Section 53A-1b-104 is
 7292 renumbered and amended to read:
 7293 **[53A-1b-104]. 53F-9-402. School Readiness Restricted Account -- Creation**
 7294 **-- Funding -- Distribution of funds.**
 7295 (1) The terms defined in Section 53F-6-301 apply to this section.
 7296 [~~(1)~~] (2) There is created in the General Fund a restricted account known as the
 7297 "School Readiness Restricted Account" to fund:
 7298 (a) the High Quality School Readiness Grant Program described in Section
 7299 [53A-1b-106] 53F-6-305; and
 7300 (b) results-based school readiness contracts for eligible students to participate in:
 7301 (i) a high quality preschool program described in:
 7302 (A) Section [53A-1b-107] 53F-6-306; or
 7303 (B) Section [53A-1b-108] 53F-6-307; or
 7304 (ii) an eligible home-based educational technology program described in Section

7305 ~~[53A-1b-109]~~ 53F-6-308.

7306 ~~[(2)]~~ (3) The restricted account consists of:

7307 (a) money appropriated to the restricted account by the Legislature;

7308 (b) all income and interest derived from the deposit and investment of money in the
7309 account;

7310 (c) federal grants; and

7311 (d) private donations.

7312 ~~[(3)]~~ (4) Subject to legislative appropriations, money in the restricted account may be
7313 used for the following purposes:

7314 (a) to award grants under the High Quality School Readiness Grant Program described
7315 in Section ~~[53A-1b-106]~~ 53F-6-305;

7316 (b) to contract with an independent evaluator as required in Subsection ~~[53A-1b-110]~~
7317 53F-6-309(3);

7318 (c) in accordance with Section ~~[53A-1b-110]~~ 53F-6-309, to make payments to one or
7319 more private entities that the board has entered into a results-based contract with if the
7320 independent evaluator selected by the board determines that the performance-based results
7321 have been met; and

7322 (d) for administration costs and to monitor the programs described in this part.

7323 Section 192. Section **53F-9-501 (Effective 01/01/18)**, which is renumbered from
7324 Section 53A-15-207 (Effective 01/01/18) is renumbered and amended to read:

7325 **Part 5. Miscellaneous Revenue**

7326 ~~[53A-15-207 (Effective 01/01/18)]~~. **53F-9-501 (Effective**
7327 **01/01/18)**. **Hospitality and Tourism Management Education Account -- Uses -- Costs.**

7328 (1) There is created an expendable special revenue fund known as the "Hospitality and
7329 Tourism Management Education Account," which the State Board of Education shall use to
7330 fund the Hospitality and Tourism Management Career and Technical Education Pilot Program
7331 created in Section ~~[53A-15-206]~~ 53E-3-515.

7332 (2) The account consists of:

7333 (a) distributions to the account under Section 59-28-103;

7334 (b) interest earned on the account;

7335 (c) appropriations made by the Legislature; and

7336 (d) private donations, grants, gifts, bequests, or money made available from any other
7337 source to implement ~~[this part]~~ Section 53E-3-507 or 53E-3-515.

7338 (3) The State Board of Education shall administer the account.

7339 (4) The cost of administering the account shall be paid from money in the account.

7340 (5) Interest accrued from investment of money in the account shall remain in the
7341 account.

7342 Section 193. **Repealer.**

7343 This bill repeals:

7344 Section **53A-1-1502, Definitions.**

7345 Section **53A-1-1503, Digital teaching and learning program task force -- Funding**
7346 **proposal for a program -- Master plan -- Reporting requirements.**

7347 Section **53A-1-1504, Readiness assessments.**

7348 Section **53A-1-1506, Implementation assessment -- Board intervention.**

7349 Section **53A-1-1507, Procurement -- Independent evaluator.**

7350 Section **53A-6-801, Definition.**

7351 Section **53A-6-901, Grants for math teacher training programs.**

7352 Section **53A-15-1201.5, Program name.**

7353 Section **53A-15-2002, Definitions.**

7354 Section **53A-17a-131.17, State contribution for School LAND Trust Program.**

7355 Section **53A-21-201, Capital Outlay Foundation Program -- Creation --**
7356 **Definitions.**

7357 Section **53A-21-301, Capital Outlay Enrollment Growth Program -- Definitions.**

7358 Section 194. **Effective date.**

7359 If approved by two-thirds of all the members elected to each house, this bill takes effect
7360 upon approval by the governor, or the day following the constitutional time limit of Utah
7361 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
7362 the date of veto override.

7363 Section 195. **Revisor instructions.**

7364 The Legislature intends that the Office of Legislative Research and General Counsel, in
7365 preparing the Utah Code database for publication, not enroll this bill if any of the following
7366 bills does not pass:

- 7367 (1) H.B. __, Public Education Recodification - State System;
7368 (2) S.B. __, Public Education Recodification - Local System; or
7369 (3) S.B. __, Public Education Recodification - Cross References and Repeals.